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# EFFECTS OF EUROPEAN INTEGRATION ON PARLIAMENTARY CONTROL OF GOVERNMENT: THE CASE OF LUXEMBOURG, 1999-2011

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# Abstract

DPhil Thesis in Political science entitled:

**"Effects of European integration on parliamentary control of government: The case of Luxembourg, 1999-2011"**

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The present thesis sets out to provide an understanding of how European integration affects NPs in the EU and their relationship to the executive. The main objective of the empirical analysis is to investigate how parliamentary control of government serves EU scrutiny between 1999 and 2011. The case study, which focuses on the Luxembourgish Chamber of Deputies allows for a test of changes in governmental discretion on three parliamentary control dimensions in different domestic and European contexts of coalition governments and European Treaties.

The theoretical framework for interpreting the impact of the EU on NPs and executive-legislative relations is a combination of the larger concept of top-down Europeanisation with the principal agent approach. The emphasis is on the EU as an external force being central in the adaptation of parliamentary control of government, while taking into account the particularity of parliament as a principal. Based on the delegation argument, we generate hypotheses about the evolution of parliamentary democracy under the condition of a highly decentralised committee system, multiple committee membership, high party cohesion and majority government.

Our empirical findings run counter to the predictions of the deparliamentarisation hypothesis. This owes to the fact that we investigate parliamentary control of government in a most inclusive perspective. Rather than weakened, this study considers the Luxembourgish parliament strengthened not least by the opportunities offered by the Lisbon Treaty. In complicity, it backs up a government which has lost on discretion at EU level.

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# List of Abbreviations

| | |
|---|---|
| A | Share of amended laws |
| ADR | Democratic Reform Party (*Alternativ Demokratesch Reformpartei*) |
| AEE | Committee for foreign and European affairs (*Commission des Affaires étrangères et européennes*) |
| AEEDCI | Committee for foreign and European affairs, defence, cooperation and immigration (*Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration*) |
| AGRI | Committee for agriculture, viticulture and rural development (*Commission de l'Agriculture, de la Viticulture et du Développement rural*) |
| art. | Article |
| C | Luxemburgish Constitution |
| Ca | Council acts |
| CEE | Central and Eastern Europe |
| CES | Economic and Social Council (*Conseil Economique et Social)* |
| ChD | Luxemburgish Chamber of Deputies |
| CMTOUR | Committee for Small and medium enterprises and tourism (*Commission des Classes moyennes et du Tourisme*) |
| CODEXBU | Committee for budgetary control (*Commission du contrôle de l'exécution budgétaire)* |
| COREPER | Committee of permanent representatives |
| COSAC | Conference of EU committees (*Conférence des Organes Spécialisés dans les Affaires Communautaires et Européennes des Parlements de l'Union européenne*) |
| CSV | Christian Social People's Party (*Chrëschtlech-Sozial Volleksparte*i) |
| CULT | Culture committee (*Commission de la Culture*) |
| D | Average length of the legislative process per year (duration) |
| DI | Governmental discretion at EU level index |
| DEVDUR | Committee for sustainable development (*Commission du Développement durable*) |
| DP | Liberal Party (*Demokratesch Partei*) |
| EAC | European affairs committee of the Chamber |
| EACs | European Union affairs committees of national parliaments |
| ECCEES | Committee for economics, external commerce and solidary economy (*Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire*) |
| ECJ | European Court of Justice |
| ECON | Economy committee |
| ECON,SP | Committee for economics, energy, postal services and sports (*Commission de l'Economie, de l'Energie, des Postes et des Sports*) |

| | |
|---|---|
| ECON, TRAN | Committee for economics, energy, postal services and transport (*Commission de l'Economie, de l'Energie, des Postes et des Transports*) |
| ECSC | European Coal and Steel Community |
| EDC | European Defence Community |
| EDU | Committee for national education and vocational training (*Commission de l'Education nationale et de la Formation professionnelle*) |
| EDUSP | Committee for national education, vocational training and sports (*Commission de l'Education nationale, de la Formation professionnelle et des Sports*) |
| EEA | European Economic Area |
| EGAL | Committee for equal opportunities and the promotion of women (*Commission de l'Egalité des chances entre femmes et hommes et de la Promotion féminine*) |
| ENSSUP | Higher education committee |
| ENSSUP1 | Committee for higher education, research and culture (*Commission de l'Enseignement supérieur, de la Recherche et de la Culture*) |
| ENSSUP2 | Committee for higher education, research, media, communications and space (*Commission de l'Enseignement supérieur, de la Recherche, des Media, des Communications et de l'Espace*) |
| ENVI | Environment committee (*Commission de l'Environnement*) |
| EP | European Parliament |
| ESA95 | European System of Integrated Economic Accounts |
| EU | European Union |
| EWG | European Economic Community (*Europäische Wirtschaftsgemeinschaft*) |
| EWM | Early Warning Mechanism |
| FAM | Committee for family, social solidarity and youth (*Commission de la Famille, de la Jeunessse et de l'Egalité des chances*) |
| FIBU | Finance and budget committee (*Commission des Finances et du Budget*) |
| FONCPUB | Civil service committee (*Commission de la Fonction publique*) |
| FONCPUB2 | Committee for civil service and administrative reform, media and communications (*Commission de la Fonction publique et de la Réforme administrative, des Media et des Communications*) |
| FONCPUB3 | Committee for civil service and administrative simplification (*Commission de la Fonction publique et de la Simplification administrative*) |
| LSI | Legislative scrutiny index |
| IGSS | Social security administration (*Inspection générale de la sécurité sociale)* |
| INST | Committee for institutions and constitutional revision (*Commission des Institutions et de la Révision constitutionnelle*) |
| INT1 | Internal affairs committee (*Commission des Affaires intérieures*) |
| INT2 | Committee for internal affairs and spatial planning (*Commission des Affaires intérieures et de l'Aménagement du Territoire*) |
| INT3 | Committee for internal affairs, the Great Region and police (*Commission des Affaires intérieures, de la Grande Région et de la Police*) |
| IPEX | Platform for EU Interparliamentary Exchange |
| IV | Independent variable |
| JURI | Justice committee (*Commission juridique*) |
| LCM | number of legislative committee meetings |
| LOG | Housing committee (*Commission du Logement*) |
| LSAP | Luxembourgish Socialist Workers' Party (*Lëtzebuerger Sozialistesch Arbechterpartei*) |
| MEDIA | Media and communications committee (*Commission des Media et des Communications*) |
| MEPs | Members of the European parliament |
| MPs | Members of National parliaments |
| N | Number |
| NPs | National parliaments in the European Union |
| PQs | Parliamentary questions |
| QMV | Qualified majority voting |
| PMP | Party Manifesto Project |
| R | Risk for agency loss |

| | |
|---|---|
| RI | Rational Choice Institutionalism |
| RGD | Grand-Ducal regulations (*Règlements grand-ducaux)* |
| RM | Ministerial regulations (*Règlements ministériels*) |
| RoP | Rules of procedures of the Chamber of Deputies (*Règlement de la Chambre des Députés*) |
| SANT | Committee for health and social security (*Commission de la Santé et de la Sécurité sociale)* |
| SCL | Central service for legislation (*Service Central de Législation*) |
| SEA | Single European Act |
| SREL | Luxembourgish Secret Service (*Service de Renseignement de l'Etat du Luxembourg*) |
| SSI | Structural scrutiny intensity |
| SSP | Structural scrutiny potential |
| TEU | Treaty of the European Union |
| TFEU | Treaty of the Functioning of the European Union |
| TRANS | Transport committee (*Commission des Transports*) |
| TRAVEMP | Work and employment committee (*Commission du Travail et de l'Emploi*) |
| TRAVPUB | Public works committee (*Commission des Travaux publics*) |
| TSCG | Treaty on Stability, Coordination and Governance in the European Monetary Union |
| ~U | Share of non-unanimous laws |
| VWL | Voting weight of Luxembourg in the Council of the EU (Normalised Banzhaf index) |

# Introduction

Since the "*permissive consensus*" of the general public has given way to Euro-scepticism, negative referenda and extremely low turnout at European elections[1], one of the major concerns of politicians as well as political scientists has been the **double democratic deficit** and hollowing out of the nation state (Ladrech, 2010, p. 73ff). European integration, they claim, leads to the weakening of the dual legitimacy of the European Union (EU), consisting in the control the European Parliament (EP) and the national parliaments (NPs) exert over their respective executive bodies (Benz, 2004; Neunreither, 1994). The NPs lose leverage vis-à-vis their executives due to the extension of qualified majority voting (QMV) in the Council.

Even worse, the growing powers of the EU are seen to trigger a **weakening of NPs**, the often referred "*losers*" of political integration (Maurer and Wessels, 2001a). Moreover, whereas the national executives take decisions behind closed doors in the Council, NPs are considered to lag behind in scrutinising EU lawmaking. The sheer amount of legislative acts stemming from the EU makes it an impossible exercise for members of NPs (MPs) to effectively control their governments, besides their normal business as legislators. Subsequent adaptation and reform of NPs' internal procedures and scrutiny mechanisms, as well as EU level efforts are doubted to outweigh the suspected loss in power (Maurer and Wessels, 2001a; O'Brennan and Raunio, 2007a; Raunio and Hix, 2000).

[1] On average, the turnout at EP elections further declined by 2.5% to 43% in 2009. http://www.europarl.europa.eu/parliament/archive/elections2009/de/turnout_de.html, last access: 1 September 2013.

Although plausible, the assumptions and conclusions of a weakening of parliamentary government within the EU are contested. Doubts have been cast on **whether the democratic deficit in the EU as such exists or not**. Based on the principal agent approach, some authors have argued that the chain of **delegation** from NPs, to their executives and further on to the Council of the EU, already ensures the legitimacy of EU policy-making. In this intergovernmentalist view, NPs' business lies at member state level. Legislators still control their respective governments independently of EU decision-making (Moravcsik, 2008, 2004).

Likewise, evoking again the delegation hypothesis, other scholars have questioned the democratic deficit caused by a weakness in parliamentary scrutiny, and have instead identified legislators as main players when it comes to **transposition**. Governments have to anticipate what is feasible at the domestic level when they agree to a certain policy in the Council of the EU. The lack of visible parliamentary activity should not be confused with a lack of influence (Martin, 2000, p. 147ff).

From a supranational perspective, NPs do not seem concerned by European integration. As Ladrech states

> *"If the traditional functions of parliaments can be listed as representation, deliberation, legislation, authorization of expenditure, and scrutiny of the executive, the formal increase of the power and influence of the EU does not directly impact any of these except scrutiny of executive. […] The EU has no direct impact upon the domestic operation of national parliamentary action." (Ladrech, 2010, p. 80).*

In legal terms, **no formal pressure of adaptation** was introduced on NPs, apart from non-binding wish lists and recommendations, starting with the two declarations concerning NPs in the Maastricht Treaty in 1992[2] and continuously resulting from interparliamentary meetings, such as the Conference of EU committees (COSAC)[3] (Miklin and Crum, 2011; Miklin, 2010).

On the contrary, with the **Lisbon treaty**, NPs were granted however modest but direct influence in EU politics. Legislatures and the quality of democracy stood in the focus of the attention in the Convention on the future of Europe, leading to the Lisbon Treaty. Measures, such as the "*Early Warning Mechanism*" (EWM) and direct sending of documents to domestic legislators[4] were created to improve the say of NPs in EU legislative activities. Politicians and researchers however believe it achieved only modest effects (Fraga, 2005).

But again, no obligation for NPs could be drawn from the Treaty. The respective protocols on the role of NPs and the application of the subsidiarity and proportionality principles rather opened **opportunities of involvement** for those legislatures which wish

[2] The Maastricht Treaty includes the following two declarations concerning NPs: Declaration on the role of national parliaments in the European Union and Declaration on the Conference of the Parliaments http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html#0101000034, last access: 29 December 2013.

[3] COSAC stands for "Conférence des Organes Spécialisés dans les Affaires Communautaires et Européennes des Parlements de l'Union européenne". COSAC conclusions are not binding, Article 10 of Protocol 1, TEU http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0148:0150:EN:PDF, last access: 29 December 2013.

[4] The so-called "*Barroso-initiative*" of 2005, as expressed in "*A Citizens' Agenda Delivering Results For Europe*" (COM (2006)211), p. 3.

to contribute.[5] NPs' internal operations were not obliged, and neither were MPs. Rather, the Treaty provisions showed the concern of elites, within and outside NPs, regarding the growing democratic deficit following the deepening of integration (Raunio, 2007, p. 87).

Despite a lack of formal obligation, we observe their **institutional adaptation**, as a most obvious reaction of NPs on EU integration. European Union affairs committees (EACs) were created within all EU NPs in order to reinforce the scrutiny of the respective ministers of EU affairs. Furthermore, all NPs established permanent administrative representation offices at the EU, located within the EP (COSAC Secretariat, 2009, p. 32).[6] They served to first and foremost counterbalance the information asymmetry of their respective governments, report formal and informal news and prepare for meeting the obligations of the presidency and the COSAC secretariat membership that comes with it (COSAC Secretariat, 2009, p. 24; Raunio and Hix, 2000).

Still, a **general consensus** among scholars of NPs emerged, which consists in the conclusion that European integration indeed empowered governments rather than NPs. According to these authors, single national executives were certainly not able to totally control agenda setting in the Council of the EU (Laver and Shepsle, 1994, p. 294), but their inclusion into the decision-making process resulted in an **information advantage** (Holzhacker, 2007a; O'Brennan and Raunio, 2007a), which consequently changed the

[5] Protocol on the role of national Parliaments in the European Union, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0148:0150:EN:PDF, last access: 29 December 2013.
[6] An updated list of all NP Representatives may be found on the COSAC-website: http://www.cosac.eu/permreps/, last access: 29 December 2013.

power balance within the national political arena and caused institutional adaptation within legislatures which could not outbalance the loss of control.

Yet, the **scope of this EU influence** on national politics remains unclear. Whereas governments enjoy discretion in the Council negotiations, the other side of the coin consists in a growing constraint by EU policy-making, although the Europeanisation of national legislation seems to be smaller than expected. Recent findings point to relatively modest but growing amounts of laws affected by EU policy-making (Brouard et al., 2012c). In how far different fora and actors[7] within NPs are subsequently influenced by European integration, is largely ignored by Europeanisation scholars up to now. No conclusive results exist, whether and to what extent the EU matters for national legislatures and consequently, in how far democracy is effectively in danger or absent in the EU member states.

This discussion inspired the present thesis which is concerned with the Europeanisation of the Luxemburgish Chamber of Deputies (ChD) and its relationship to the government, between 1999 and 2011. Not much is known about how the Luxembourgish parliament has included EU matters in its proceedings so far, and most importantly, during this period of deepening and widening of European integration. Luxembourg is an interesting case not least because it provides unknown territory for research. We were puzzled by the

[7] We differentiate between fora and actors, in order to point to the double function of some parliamentary bodies, such as committees and the plenary, but also the Conference of Presidents for instance. With parliamentary **fora**, we mean mainly committees and the plenary, as well as the parliamentary factions providing different opportunities and constraints as places of decision-making. Those bodies become **actors**, when they take collective decisions. This is for instance the case, when a committee adopts a report or the Conference of Presidents determines a speaking time model. Also, individual MPs, committee chairs, party leaders, and the Speaker are parliamentary actors. Those are represented in different fora, where they are able to express their standpoint and make use of specific instruments.

fact that, on the one hand, the Chamber is said to maintain a high capacity for the control of government. Its highly decentralised committee system makes it a "*strong legislature*" for some legislative scholars (see for instance Martin and Vanberg, 2011). On the other hand, it is ranked among the weakest legislatures when it comes to EU scrutiny (compare with Table 28 in chapter 7). This thesis brings the different notions of parliamentary strength together in order to give an overall evaluation of parliamentary control of government. While it is based upon the study of one parliament, it consists of an investigation of trends over thirteen years. Three different governments were in place during the period of investigation, two Treaty revisions have been decided at EU level, besides of two major enlargement rounds. We will line out the details of our logics of enquiry in section 1.3.

Keeping NPs in the focus of attention within Europeanisation studies is important because they are the main producers of **democratic legitimacy** within the EU multi-level polity. They constitute the "*institutions closest to the people*" (Holzhacker, 2007a, p. 144). On the one hand, they are often seen as part of the solution to the democratic deficit (Haenel, 2006). Aside from legitimising policy-making at national level, creating a second chamber at European level consisting of national parliamentarians was an issue among policy entrepreneurs and researchers in order to tackle the alleged democratic deficit (Fraga, 2005; Kiiver, 2006; Raunio, 2007, 2005a).[8] On the other hand, and central to the aim of this thesis, studying the impact of the EU on domestic political systems can

[8] The Laeken Declaration more precisely put the question of the role of NPs in an eventual second chamber explicitly to debate. In the light of discussions on the abolishment of upper chambers all across the EU, such as the Austrian Bundesrat, the Slovenian National Council, and most importantly, the Belgian Senate, the idea was never taken as a real option. In recent years, and more pronouncedly since the entering into force of the Lisbon Treaty, the Council of the EU is said to function just like an upper house.

yield valuable insights into the underlying causes of the evolution of parliamentary democracy.

In order to evaluate the impact of European integration on the Luxemburgish parliament, a **holistic view** on parliamentary government has to be taken over, and lawmaking as well as scrutiny have to be assessed (Strøm 1995, 53). Yet, until recently, studies on the Europeanisation of NPs did not go beyond the investigation of EU scrutiny arrangements in the narrow sense; thus scholars "*...must extend beyond European Affairs Committees*" (Raunio and Wiberg, 2010, p. 75). The majority of the studies in the field attempted to measure the strength, or weakness of legislatures in controlling governments in EU affairs (Auel and Benz, 2006; Maurer and Wessels, 2001a). The impact of the EU on domestic lawmaking has attracted much less attention, although

> *"There is an urgent need for a method to measure quantitatively the Europeanisation of national public policies, meaning the scope and extent to which national policies are shaped by European law and policy." (Töller, 2010).*

This study is designed to explain the **consequences of European integration on the role of the Luxembourgish parliament vis-à-vis its government**. European integration challenges democratic standards and domestic institutions since its beginnings. To be sure, national policy-making authority has been shifted to EU level. The idea that legislatures have necessarily lost on influence over their governments due to European integration is however an unproved assumption of much of the mainstream literature on EU scrutiny and the democratic deficit in the EU. Drawing on the traditional role of parliament in the political system, executive-legislative relations and legislative

organisation, as well as the empirical work in this study, a threefold argument will be made.

First, principal agent theory (Bergman and Damgaard, 2000) and evidence (Jančić, 2011, 2010)[9] suggests that **parliament could also benefit from European integration**. Instead of losing hold of government and abdicating room for manoeuvre, some NPs have been empowered by aims to tackle unwarranted shifts of sovereignty to the EU. Analyses of NPs as "*latecomers*" or "*declining*" and rubber stampers of government following its own interest in the Council of the EU miss out on many of the more regular instruments of parliamentary control and influence.

Second, the consequences of European integration on parliamentary organisation and the role of parliament within the political system will be considered. Parliaments are not unitary actors and **different parliamentary fora witness differentiated EU impact**. Political factions determine much of the day-to-day work within legislatures and must be given due consideration. Most importantly however, parliament is organised in committees which enjoy large autonomy and powers in organising their work.

Thirdly, if we look at lawmaking as a process and outcome, the supposed decline of parliamentary democracy is put into question. Proposals to minimize legislative participation in the interest of efficiency seem to be misguided but remain on the agenda of decision-makers. In fact, it is precisely when executives and other actors try to

[9] Compare with section 5.2.3 on page 272 on budgetary control and the EU, as well as section 6.1.1 on page 298 on the direct flow of EU documents initiated by the Barroso-initiative.

circumvent legislatures that democracies face their most significant democratic crisis. Thus, lawmaking as well as scrutiny have to be considered in order to arrive at an adequate evaluation of executive-legislative relations.

Developing these three lines of argumentation – the possible empowerment of legislatures by European integration, its differentiated impact on actors within parliament and taking into account lawmaking and scrutiny – requires that we understand institutionalist models of legislative organisation and legislative-executive organisation. The present thesis accounts for those insights into the consequences of European integration on executive-legislative relations of both – literature on lawmaking, parliamentary control of government, as well as EU scrutiny.

In contrast to former studies, we take into account all parliamentary fora and actors concerned with lawmaking and parliamentary control, the instruments they are applying as well as formal and informal rules, behaviour and their change. Assessing the overall influence of EU policy-making on parliamentary government is essential in order to evaluate the quality of democracy in the EU. An empirical analysis of the amount and kind of European impulse affecting different areas of parliamentary business helps evaluating if NPs are still central players in the multi-level game within the EU. The aim is to contribute to our understanding on how Europe "*hits*" NPs and with it domestic democratic quality.

The more general aim of this thesis is to answer the question of how EU policy-making influences the scrutiny and lawmaking functions of NPs. We seek to understand how those two functions linking parliament to government changed over time and in all different policy areas due to European integration. The principal objective is to contribute to a better understanding of the development of parliamentary democracy in the multi-level governance within the EU.

This brief outline of the debate on the consequences of European integration for NPs is followed by a presentation of the research objectives in the next section. This includes an outline of the primary research questions.

### *Research objectives and primary research questions*

The present thesis aims to provide an understanding of the consequences European integration has on the Chamber and on its relationship to the government. The first research objective is to further develop the theoretical framework for interpreting institutionalisation due to European integration, with particular emphasis on parliament-government relations. The main objective of the empirical analysis is to investigate how different EU impulses become manifest in the Luxembourgish parliamentary proceedings of two of its main functions, which relate parliament to government: Lawmaking and scrutiny.

The parliamentary context changes over time and similarly, we consider EU impulses not as stable characteristics. Instead, we aim to establish the factors that affect EU policy-

making, in particular EU treaty changes and enlargement. Furthermore, the study wants to assign the impact of different types of EU policy-making on the national legislation and its handling by the Luxembourgish parliament. We look at the variety of legal instruments with the aim of determining their differentiated impact on domestic legislation. The comparative perspective of the thesis, which focuses on different policy fields and three coalition governments, allows us to test common factors as potential determinants of institutionalisation in different contexts of policy-making. Overall, the thesis thus focuses on **three major research questions**:

1. Which actors and fora **within the Luxembourgish parliament** are affected by European integration?
2. How is the national institutional balance **between parliament and government** affected by European integration?
3. What are the consequences for **parliament as a principal** resulting from handling these matters?

Our intent is to undertake an institutionalist oriented study of changes in NPs provoked by European integration, which differs from the mainstream of research in at least four aspects: Firstly, we take into account all legislation adopted in the period of investigation, which affords us the opportunity to analyse the general impact of the EU impact on NPs.

Secondly, we draw a complete picture and consider **all aspects of parliament-government relations** when it comes to policy formulation, that is lawmaking including

transposition as well as scrutiny. European integration concerns parliament as well as government and an evaluation of parliamentary strength has to include both parliament's core procedures and the sum of all functions linking parliament and government with respect to policy formulation. We shall not exclude the possibility that a weakening of parliament might go hand in hand with a weakening of government and the entire domestic level. Executive-legislative relations are in the focus of this thesis. Parliament-citizens relations, on the contrary, are not of central relevance for the research objective and are for this reason not dealt with in the following overview on relevant literature on the topic.

Thirdly, we develop a concept of Europeanisation applicable to the changes undergone by NPs and which distinguishes between **formal rules and actual behaviour**, not least, in order to take account of the fact that besides institutional affiliations, actors within government and parliament are linked by party bonds.

Fourthly, we look at EU policy-making as external factor in order to isolate the independent variable (IV) with the aim of establishing a **causal link** to domestic policy-making and its unequal impact on actors and fora within the NP. We take account of dynamics over time and hence control for differing settings at EU and national level. At EU level, treaty revisions have increased the depth and scope of European integration. At national level, coalition governments of varying party composition might influence proceedings within the parliament and its relationship to the government.

Aiming at a complete picture of policy-making and parliament-government relations within Europeanisation research so far was eclipsed from the mainstream of theory as well as from most applied work on this area. Arguing that a statement on the strength or weakness of a NP may for this reason lead to erroneous conclusions, the present thesis develops a framework, developing and combining indicators for parliamentary control of government, governmental discretion at EU and domestic level, and the risk for delegation. We give due consideration to both, fora and functions within a NP, and we consider the complete legislative activity covering all policy fields in order to arrive at quantitative indicators for Europeanisation processes. Moreover, we take into account the decision-making as well as the transposition stage. We also include EU primary, secondary and tertiary legislation and their effects on the Luxembourgish Chamber of Deputies.

## *Contents and organisation of this thesis*

The structure of this thesis follows an "*opening out model*" (Dunleavy, 2003, p. 59f). Thus, the sequence of chapters does not show the sequence of investigations. Instead, this thesis starts with a short chapter on the theoretical framework and logics of enquiry. It then immediately enters the empirical chapters and presents the empirical findings. Those main research chapters are followed by a chapter of thorough analysis which connects the findings in detail to the findings of other scholars and previous literature. It closes with a broader discussion on the topic and an outlook on future research.

Thus, this thesis is divided into eight chapters. The **first chapter** draws an overall picture of the theoretical framework and the most important dimensions in the model of enquiry. Firstly, it evokes reasons for changes in parliamentary control of government based on governmental discretion and party positions. Secondly, the institutional separation of government and parliament is put into question, depending on party cohesion and the size of parliament. Thirdly, we outline how parliamentary control is facilitated or hindered by parliamentary organisation, that is decentralisation in committees. Chapter one further outlines the hypotheses and the logics of enquiry. This includes a presentation of the reasons of case selection, research design and indicators.

The **second chapter** investigates the pre-conditions and intervening factors for change at domestic level. It starts with an analysis of the discretion of ministers at EU level. Then, we analyse the domestic preference constellation. Policy initiation gives insights on delegation from parliament to government and the discretion of ministers hold at domestic level. Furthermore, drawing on the constitutional setup of parliamentary democracy in Luxembourg, and policy positions of parties stemming from the Party manifesto project, the perceived risk for agency loss is evaluated from the perspective of the Chamber as a principal.

Chapters three to six represent the core empirical chapters of this thesis. The **third chapter** is concerned with the parliamentary organisation, most importantly the scrutiny potential and intensity as offered by the parliamentary committees. It presents the different types of committees concerned with lawmaking, the practices and rules of

committee composition and committee chair allocation, as well as different indicators of the activity of committees and its members.

The **fourth chapter** deals with legislative scrutiny, one of the three main indicators for parliamentary control within this thesis. It investigates three variables for the strength of legislative scrutiny: Amendments and final votes in the Chamber, as well as the length of the legislative process, starting with the deposit and finishing with the adoption of laws. The **fifth chapter** is concerned with specific control instruments of the Chamber. It presents the most common instrument, that is parliamentary questions (PQs) as well as the most important control, that is budgetary control more in depth in separate sections. Other control instruments such as motions and enquiry committees are given consideration in the final part of the chapter. The **sixth chapter** turns then to EU scrutiny in the more narrow sense. In particular, it aims to establish the changes introduced regarding subsidiarity and proportionality control. It investigates the evolution of formal rules and the work of different committees in EU scrutiny.

The **seventh chapter** serves for the general analysis of the findings in the empirical chapters two to six, taking into account the premises outlined in the second chapter with regard to EU policy-making, the risk for agency loss and discretion in domestic lawmaking. The **eighth chapter** concludes this thesis with a summary and reflexion on the implications of the findings for current debates and future research.

# Chapter 1. Theoretical framework and logics of enquiry

This study is theory-driven. Our baseline consists in **Europeanisation research**, which defines the broad direction of the investigation. Europeanisation was initially applied as a broad term describing a variety of phenomena occurring in the context of European integration.[10] Recently, we observe a narrowing and concretion of the concept. The multiple uses have given way to mainly two applications in research: The building of the European polity is usually referred to in a context of "***uploading***" preferences. Such understanding of Europeanisation deals with the establishment of European integration processes. "***Downloading***", on the other hand, accounts for the impact of European governance on national political systems. This latter research strand is most prominent in Europeanisation research, not least, because uploading is difficult to observe due to the intransparency and secrecy of Council of the EU meetings. Downloading regards all aspects of member states' political spheres, policies, decision-making processes, and most importantly for this thesis, domestic institutions (Bulmer and Lequesne, 2005; Featherstone and Radaelli, 2003; Graziano and Vink, 2007; Ladrech, 2010). The downloading of institutional change in national parliaments (NPs) is in the focus of this thesis.

The application of the **principal agent approach** more particularly shapes this research. In parliamentary democracy, authority is legitimated through representation, delegation and accountability. The chain of delegation starts at the voters. It goes to elected representatives and via the executive branch, that is the head of government to executive

[10] For a discussion of the "*many faces of Europeanization*" see Olsen (2002).

departments and civil servants. Delegation in this case means a transfer of sovereignty and authority of decision-making from principals to agents (Bergman and Damgaard, 2000; Strøm et al., 2003). This thesis more particularly deals with the Chamber as principal and its delegation of sovereignty to government as agent.

Theory-driven we aim at **fine tuning our theoretical knowledge** of the impact of European integration on domestic institutions and NPs as a principal. This chapter first outlines the theoretical framework of this thesis in section 1.1 which guides the establishment of hypotheses in section 1.2. The third part of this chapter (section 1.3) sets out the logics of enquiry. It justifies the case selection, indicates the research design and gives an overview of the indicators and data used.

## *1.1. The Europeanisation of NPs as principals*

This first section of chapter one affords to introduce the theoretical framework more particularly. The main aim is to integrate the principal agent approach into the perspective of Europeanisation research. On the one hand, the concept of **Europeanisation** serves giving this research the main direction. More particularly, we focus our attention on "*downloading*", that is the impact of European integration on domestic legislatures and their relationship to their executive.

The **principal agent approach** on the other hand permits an insight on how this relationship between parliament and government is shaped. It helps explaining why NPs would adapt their internal organisation regarding European integration constraints and

opportunities using the concepts of discretion and agency loss. Thus, we shortly outline Europeanisation as the framework of this study and its shortcomings with regard to the Europeanisation of NPs. Then, we introduce the principal agent approach which helps filling the gaps by providing a better understanding of parliament as a principal of government.

### 1.1.1. "*Downloading*" institutional change in NPs

Much of the findings of Europeanisation research are based upon policy analysis, while the influence of European integration on politics and polities is somewhat under-researched. One of the main concepts in this regards is the idea of a "***goodness of fit***" which determines the strength of adaptation pressures on domestic policies (Börzel and Risse, 2007, 2000; Cowles Green et al., 2001). Depending on the misfit between an EU policy and the existing domestic regulations, more or less important adaptations need to be implemented by national policymakers. A given policy will therefore have a differentiated impact on member states. The founding members of the EU should witness less misfit than later member states. Having shaped European integration from its beginnings and agreeable to the own particular situation, the arrangements made at supranational level should be closest to those involved in decision-making. The older member states, among them Luxembourg, should therefore find themselves in a "*better-fit*" situation than the newer ones.

For where there is misfit, EU policy-making does not directly translate into domestic change: Besides the required transposition and implementation of a specific EU

legislative act, the national traditions, resources and identities **filter the European stimulus** and lead to particular national adaptation patterns (Héritier, 2001). This conclusion drawn from policy analysis on how Europe impacts on the domestic level also turns out to apply for institutions and administrations in the EU: A convergence of domestic institutions is not very likely although single findings point to effects of interparliamentary cooperation and learning (Raunio, 2005b, p. 35). Pressures emanating from European integration have shown to be mediated by the domestic contexts, resulting in differing institutional adaptation (Auel, 2005; Harmsen, 1999; Norton, 1996a).

> *"The logic of integration, seen in this light, is almost reversed. While usually portrayed as a process of national adaptation to European norms (in both the legal and the more general senses of the term), the picture which presently emerges is rather more one of European norms being adapted to, or at least within, national contexts." (Harmsen, 1999, p. 86)*

Harmsen points out that the assumptions which led to the expectation of convergence in public administrations are wrong: Neither the socialization of officials, nor the aspiration for the optimization of structures up to the most optimal solution hold true (ibid., p. 84). This being said, we should expect to find a specific "*modèle luxembourgeois*" (Nies-Berchem, 1996, p. 154) when it comes to institutional adaptation to European integration.

The concept of misfit itself which triggers policy change at domestic level is however less appropriate for explaining institutional adaptation, more particularly within NPs (Benz, 2005, p. 517; Ladrech, 2010, p. 76). Unlike for certain policy areas, the EU is not entitled to directly enforce a change in the national institutional setting, once a state is

member.[11] It is result-oriented rather than process-oriented. Compliance with the once-decided EU acts sets the criteria for sanctions. How compliance is reached is of little importance. Certainly, permanent non-compliance with EU policy standards may trigger institutional adaptation needs. However, such changes are less expected to impact on NPs but governments rather. It is their obligation to guarantee the implementation of European provisions. In order for NPs and the domestic institutional power balance to change as a consequence of European integration, other mechanisms than the "*goodness of fit*" to European policies must be at place and foster counter-reactions in terms of adaptations of parliamentary organisation and behaviour. This is where new-institutionalist concepts step in.

Within Europeanisation research, new institutionalism ranges most prominently among the applied theoretical frameworks in order to explain the mechanisms of how change takes place. Some authors point to the parallel evolvement of Europeanisation, new institutionalist ideas and their inter-connectedness:

> *"One might go even so far as to say that the Europeanisation research agenda as such exemplifies the institutionalist turn in the political science of the 1980s" (Graziano and Vink, 2007, p. 13).*

Within this thesis, we regard **Europeanisation as a process of institutionalisation at national level** (Ladrech, 2010). Institutionalisation increases specialisation and efficiency by sub-divisions of a parliament being able to proceed simultaneously, instead of sequentially (Norton, 1996b; Strøm, 1990).

[11] The EU does however impose institutional reform in the course of accession negotiations.

The new institutionalist approach distinguishes three main strands: Historical, rational, and sociological institutionalism. They all agree that "*institutions matter*" in that they structure action (Aspinwall and Schneider, 2000; Hall and Taylor, 1996; Lowndes, 1996; March and Olsen, 1984; Peters and Pierre, 1998; Peters, 1999). Within this thesis, we employ a variant of Rational Choice Institutionalism (RI). The application of new institutionalist tools and RI more particularly, enables us to evaluate three aspects regarding the Europeanisation of domestic executive-legislative relations: Firstly, we deal with the EU as the institutional environment for executive-legislative relations. Secondly, we evaluate the power balance at the domestic level. Thirdly, besides external factors, intra-parliament organisation concerns both links between government and parliament, that is lawmaking as well as scrutiny.

As argued by Peters, starting research in political science by looking at institutions is essential, as "*most political action of real consequences occurs in institutions*" (Peters, 1999, p. 150). We are however aware that applying an institutionalist perspective has to be done with caution as "*the institutionalism we have considered is neither a theory nor a coherent critique of one*" (March and Olsen, 1984, p. 747). There are at least three pitfalls of institutionalism: Firstly, it mostly **overemphasizes structural aspects**, although in varying degrees. One of the main challenges of the social sciences in general is to untangle structure and action. On the one hand, structures pattern behaviour; on the other hand, it is social action which creates structure: Structure consists of repeated action. Theoretical strands differ regarding the emphasis given to either one (Aspinwall and Schneider, 2000, p. 4).

Secondly, and connected to the "*hen-and-egg-dilemma*" of structure and action, Institutionalism lacks a **dynamic view** and with it comes a weakness in explaining institutional formation and evolution. Whereas informal structures enable actors to still change settings rather easily, formal structures decrease actors' influence on "*the rules of the game*". Besides, each one of the New Institutionalist approaches has its own flaws: RI is considered a simplistic and apolitical view combined with a "*thin theory of human rationality*" (Hall and Taylor, 1996, p. 950ff). Proponents of RI argue that institutions lower transaction costs and solve collective action problems. They assume that actors are rational and have fixed preferences, which is in real life not always the case.

The shortcomings of New Institutionalism are addressed by a critical application of the **principal agent approach,** a variant of RI (Strøm et al., 2003). The principal agent approach helps dealing with issues concerning the relationship between NP and their respective governments, which makes it perfectly applicable to this research. Delegation theory is best suited to define this relational view. It serves in explaining the mechanisms of an established power balance by preference constellations and information asymmetry. Regarding dynamics over time, we consider the institutional environment as major cause for change. Most importantly within this thesis, European integration is investigated for triggering change within parliament and in the principal agent relationship between parliament and government.

Focusing on bureaucracies and political institutions still justifies staying in the Weberian tradition of RI, where structure enables and constrains behaviour but does not determine it and leaves some autonomy to actors instead (Aspinwall and Schneider, 2000, p. 4). **Formal rules** mainly are considered to shape the behaviour of political actors and institutions within this thesis. But we also take account of informal practices in our investigation of behavioural patterns. What is more, this theoretical framework is chosen as one way to account for the importance of individuals within political institutions. Although individuals accept and follow institutional rules, it is important to acknowledge autonomy in decisions at the periphery of institutions where rules lack. Actors still might enjoy large autonomy, depending on their position. Formal rules offer a framework for action which may or may not be filled in by actual behaviour. The use of formal structures may thus be seen as potential.

While some may find the RI **concept of rationality** too rigid, it does acknowledge "*bounded*" rationality, that is its proponents take into account situations of limited information and subjective preferences of actors (Dür, 2012). The principal agent framework is based upon the assumption that information is crucial and scarce (Strøm, 2003, p. 59). Preferences are exogenous to the approach, that is delegation theory does not explain their formation. Only if the environment changes, preferences of organisation members are about to change. What is more, RI and the principal agent approach assume preferences to be stable and fixed towards the maximization of benefits. Incentives and rules determine behaviour and strategies for gaining advantages (Aspinwall and Schneider, 2000; Strøm, 2003, p. 59). Those assumptions on preference formation have

far-reaching consequences when it comes to predicting institutional change. In RI change occurs because of a transformed organisational environment, which alters the established power equilibrium and with it resource distribution (Shepsle, 2008). This assumption is particularly useful, when investigating the impact of European integration on domestic institutions.

Alternatively, this thesis could have drawn on **Historical Institutionalism** which helps to cope with path dependent developments and event-triggered outcomes (Aspinwall and Schneider, 2000; Hall and Taylor, 1996; Peters, 1999). Within the context of this study, such a view is less helpful as our period of investigation includes thirteen years and thus a rather limited period of time. Also, we consider parliament not only on its own, but in its relationship to government.

Applying a **Sociological Institutionalism** framework on the other hand would have resulted in a totally different work. In this case, socialisation mechanisms, norms and values are put forward. It is certainly of great interest to observe socialisation processes in political institutions. However, within this thesis, we assume formal rules, guided by some informal practices, in highly institutionalised settings to be dominant. The informal practices are very often formalised and the Rules of Procedures (RoP) of the Luxembourgish Chamber of Deputies are a very good example for such adaptation procedures of informal practices to rules.

Thus, we acknowledge the importance of history in the long-term perspective as well as socialisation supplementing formal and informal structures. However, we focus on other than tradition, norms and values as explanations of the developments in a rather short period and in a highly formal, structured setting including a relational perspective between political institutions.

In the next sections, we outline the basics of the delegation approach, and with regard to the Europeanisation of NPs and their relationship to government. Then the hypotheses are outlined which are drawn from the theoretical framework and tested within this study.

### 1.1.2. The principal agent approach: Information asymmetries and agency loss

An agent enjoys freedom as to how best represent the interests of his/her principal. In delegation theory this freedom of choice is usually referred to as **discretion** of the agent. This wording does not automatically imply a purposeful "*secrecy*" of the agent, although of course, this may be the case. While the expression "*discretion*" leaves some ambiguity regarding those two meanings its use is limited to a "*latitude of judgement*" rather than the secrecy of government and ministers.

For instance, the Agriculture minister may decide to follow an aggressive and outspoken negotiation strategy in EU Agriculture and Fisheries Council meetings or informally try to build coalitions in the forefront of such meetings by diplomatic moves. It is up to his/her judgment as an expert of the matter at stake and his/her experience in such meetings to decide which strategy is more effective with regard to the interests of the

country he/she represents. Suffice it to say at this point that Luxembourgish ministers have generally opted for the second strategy, as interviews show (compare with section 2.1.3 at page 74).

Irrespective of the strategy for the defence of the principal's interests, agents are accountable for their actions. Accountability is thus the agent's responsibility for his/her actions and the right of the principal to take measures of precaution and control. Hence, one of the main functions of parliament is to **overview the executive**. It is not supposed to administrate or "*legislate in a substantive sense*" (Müller et al., 2003, p. 20).

Delegation is not always "*for free*". It may bring along **agency loss**, that is a suboptimal representation of the principal's interests by an agent. In other words, agency loss is the cost of delegation. Two **mechanisms** influence the standing of principals and agents respectively and impact on the possible agency loss. Firstly, the so-called "***reversion point***" describes the status quo. Depending on the preferences of principal and agent, the distance among them and their respective location seen the status quo, policy change will occur. Outside forces, such as the EU may change this reversion point. If it moves away from the principal's ideal point, agency loss increases (Lupia, 2000). Although we may not deal with questions of policy change within this thesis, we touch upon the issue of diverging preferences between government and parliament as a prerequisite for a perceived need for increased control, that is institutional and procedural adaptation of the accountability settings.

Secondly, a major trouble in delegation is **asymmetric information** which originates in the expertise of ministers and their staff in policy formulation. If a principal has to face uncertainty about the possibilities, the agent's preferences and/or his/her truthfulness, he/she risks taking wrong decisions. Ex-ante and ex-post control aims at guaranteeing that ministers and their staff still follow the principal's preferences instead of an own agenda. They should prevent from agency loss (Müller et al., 2003, p. 23ff).

Coming back to our example of an Agriculture minister negotiating in the Agriculture and Fisheries Council, he/she may be in the situation as to decide whether to support subsidies to farmers who leave parts of their territory idle. He/She knows that his/her principal, the Chamber, favours such measures. However, he/she knows that a large majority of his/her electorate would not support such measures but prefer the cultivation of those territories. The minister is now in a dilemma of following his/her own preferences (and the one of his/her electorate, the "*ultimate principal*"), or the preferences of parliament, to which he/she is obliged. Every action of the minister which does not support parliament's position falls thus under the cost of delegation, that is agency loss.

Parliament may decrease the cost of delegation. However, within this thesis, we do not deal with ex-ante selection mechanisms of ministers. Those are mainly put forward by political parties and rather than parliament, it is the Grand Duke who nominates and organises government (art. 76-77 C). What is more, ministers are recruited from the ranks of a newly elected parliament. The electorate exerts a large influence on who enters

ministerial status as the system allows for personal votes across lists (referred to as "*panachage*"). Thus, while the parties determine who enters their candidate lists, voters decide about the ranking within those lists. Generally speaking, the candidates who have obtained the most votes enter government (Reimen and Krecké, 1999, p. 51ff).

Also, we do not deal with one of the most crucial questions of delegation theory which there is: To delegate or not to delegate? (Lupia, 2003, 2000) We assume that delegation is based on a long established division of labour between parliament and government which remains stable over the period of investigation. Instead, we focus on identifying what has been delegated and on the ex-post parliamentary control of government. Such ex-post control consists on the one hand on monitoring and reporting requirements and institutional checks, that is information on the behaviour of the agent via third parties (Strøm, 2003, p. 63).

The principal agent approach stems out of a Comparative research agenda (Strøm et al., 2003) which further suggests that **external factors**, such as the institutional context and political culture determine the power balance between parliaments and governments and would not allow parliaments to change in radical manner (Norton, 1996a, p. 200). The "*viscosity of legislatures*", how Blondel (1970) put it, depends firstly on the role it is given in the legislative process by virtue of **constitutional rules**, which represent a necessary condition for explaining parliaments' powers. Other external political variables, such as the political culture, the system of organised interests, and the party system, constitute sufficient conditions for explaining the say of the parliament on the

legislative outcome (Norton, 1996a, p. 5ff). Within this thesis, we mainly take into account constitutional rules on the institutional balance between executive and legislative. Political culture is difficult to measure and a far too large enterprise for the scope of this thesis. The system of organised interests and the party system on the other hand are taken into consideration where necessary.

Most importantly, however, the regime of the **EU is an "*outside force*"** to the domestic balance of power which affects delegation and accountability within the domestic setting. It impacts on the information available to domestic actors and their preferences concerning policy change, but "*need not weaken domestic accountability*" (Lupia, 2000, p. 17). Although there certainly is some shift of sovereignty to the EU level, the chain of delegation may witness a differentiated impact on the actors involved. Lupia – somewhat similar to the propositions of Lisa M. Martin (2000) on how a strong parliament helps government in Council of the EU negotiations - suggests, that

> *"Outside forces such as the EU and the EEA* [European Economic Area; note from the author] *can give domestic actors bargaining leverage and credibility that they would otherwise lack. These forces make it possible for domestic actors to commit to new types of agreements and provide new types of collective goods. When these forces make government actions more transparent, they shift domestic balances of power towards political principals and towards greater accountability." (Lupia, 2000, p. 17f).*

Outside forces may help getting improved information either directly, or indirectly, by increasing domestic penalties for lying, augmenting the likelihood of information verification, and by forcing agents to make "*observable and costly efforts*" indicating how much they value an outcome (Lupia, 2000, p. 29). Thus, we arrive at Assumption 1:

Assumption 1: Open-ended consequences of European integration

European integration may increase or decrease the efficiency of domestic accountability mechanisms. The exposure to the risk of agency loss changes with shifts in the availability of information for government and parliament. Depending on the differences between preferences of government and NPs, parliamentary control of government is adjusted.

### 1.1.3. Domestic complicity in EU matters: Party discipline and size

Parliament and government strength exceed a zero-sum-game, because the strength of the parliament is not always the reverse of government strength, as Bergman (1997, p. 381) suggests. If a minority government is in place, the opposition in parliament is strong. In this case, the initial statement holds: The stronger the parliament, the weaker the government. From the perspective of the agent, principal agent theory states that a strong parliament does not necessarily lessen governments' bargaining power in the Council of the EU but it might even increase it (Martin, 2000). Parliament may serve as an excuse not to be able to accept certain policy proposals, most importantly in situations of minority government.

As soon as a majority government is in place, the zero-sum game is however not valid anymore. Parliament is not weakened by the fact that a majority of its MPs belongs to

government parties. It is the opposition that is weakened and less of its preferences will eventually be taken into account. Therefore, the stronger the government is represented in parliament, the more credible are its commitments within the EU fora (Martin, 2000).

Conversely to what studies evoke which emphasise information asymmetry between government and parliament in EU matters (O'Brennan and Raunio, 2007b; Raunio and Hix, 2000; Raunio, 1999), outside forces may provoke solidarity and collaboration rather than an increase in parliamentary scrutiny of government. Parliament may use its capacities to help form a counterweight to European institutions, where government and parliament are **accomplices**.

Scrutiny is an upstream and downstream process (ex-ante and ex-post). That is, scrutiny occurs at the policy formulation and at transposition stage. We thus differentiate between three different pillars upon which parliamentary control is based: Legislative scrutiny, specific control instruments and EU scrutiny. Due to the increased uncertainty at EU level, parliaments have to increase control. The more areas are decided at EU level, the more actors are involved, the more uncertainty of the outcome for member states in general, for governments as well as for parliaments. The institutional innovation within parliaments however helped domestic opposition parties who are the only ones really excluded from European level policy-making, and they were certainly keen on gaining more insight.

Some studies point to parties serving as facilitators of such complicity (Norton, 1996a, p. 192ff). European integration, they argue, does not fundamentally change the existing relationship between governments and parliaments because of the cross-cutting importance of parties. The established power balance is maintained, mostly because parliamentary majority stays the long arm of government. Governmental backbenchers supporting the governmental lawmaking agenda while ruling out opposition in parliament, is most common when a government has a majority in its command in parliament.

**Party discipline** and defection is however a crucial variable in determining how well government may rely on its parliamentary party support (Norton, 1996a, p. 5ff). Due to party links the two institutions – parliament and government - are allies, most notably when majority governments are in place (Döring, 1995, p. 28). This is why Jensen (2007, p. 225f) concludes that even the Danish EU committee, which is considered to employ the strictest EU scrutiny among EACs, lost much of its effectiveness in case the traditional minority government had to give place to a majority government. The EU committee would then be dominated by the governing majority and not able to block ministers anymore. Norton (1996a, p. 192ff) recognizes a striking unwillingness of legislatures to employ serious measures against the government. This can be explained by the fact that party bonds prevent the two institutions working against each other. However, also within a coalition government, control is exerted during the legislative process not only by opposition but the coalition parties more importantly, as Martin and Vanberg (2011) suggest.

**Small size** has an impact on the behaviour in parliament. Smallness may help collaboration and shorten the chain of delegation. But it may also have drawbacks. Firstly, the smaller the number of backbenchers in a parliament, the higher **party cohesion** turns out, because "*the pressure to support the party is even greater and the scope for backbench dissent is inevitably limited"* (Rush, 2013, p. 184). Related to this is the fact that proximity is created when only few human resources are available to cover the posts of ministers and MPs. Thus, the exchange of members between government and parliament is high (Dumont and Varone, 2006, p. 10). Dumont and Varone (2006) furthermore point to smallness making **specialisation** for individual MPs more difficult. Related to this is the fact that small parliaments are often "*semi-professional*" parliaments, meeting "*only on a limited number of days per year"* with members who are "*part-time rather than full-time politicians*" (Rush, 2013, p. 185).

The freedom of MPs from their party leadership, and thus the independence of parliament from government, may however increase, if MPs are able to create **expertise**. Then they are possibly the only expert in the party on a subject matter (Dumont and Varone, 2006, p. 9). Thus, informality not only works through the parliamentary body itself. Surely, small parliaments allow for a greater intimacy than larger bodies (Rush, 2013, p. 183ff). Informality is structured by the channels of (governing) party caucuses and this often leads to government by consensus. Not least, smallness may have consequences on **sanctions**: "*[…] people in charge of sanctioning are the same as those engaged in daily*

*personal interactions with their agents and thus, may find it more difficult to apply sanctions"* (Dumont and Varone, 2006, p. 11). Hence, we arrive at Assumption 2:

Assumption 2: The EU as common challenge to parliament and government

Thus, this thesis takes into account the smallness of the country and the parliament more particularly. Smallness, and furthermore majority government and high party discipline may result in the EU being regarded as common challenge. This provokes domestic institutions to ally for a national interest. Parliament thus increases capacities for EU scrutiny but targets European institutions, not the domestic government.

### 1.1.4. Parliamentary organisation and the expertise of MPs

Taking into consideration only relational factors of parliaments does however not give a full account of the question of parliamentary strength. Internal organisation is a second dimension which determines the quality of parliamentary control in a broader sense. Besides of party cleavages, legislatures are structured mainly by their committee system. Institutionalisation (going hand in hand with specialisation) increases the ability of parliaments to control governments. The more NPs have advanced their **committee systems**, the better they became apt to control government (Müller et al., 2003; Norton, 1998, 1996a; Strøm, 1998).

The mirroring of the organisation of ministries by specialized committees improves the coverage of ministers. Also the institutionalisation of parties within parliaments as factions has triggered changes in the parliamentary working capacities (Norton, 1996a, p. 26ff). Institutionalisation increases efficiency by subdivisions of a parliament being able to proceed simultaneously, instead of sequentially (ibid. 1996a, p. 199). This view is confirmed by Martin and Vanberg (2011), who find that parliaments with strong committee systems play a major role in policy shaping and the overview of ministers. The committee structure offers thus a potential for scrutiny. It facilitates or hinders the adaption of parliament to external forces. Assumption 3 reads as follows:

Assumption 3: Structures as potential for parliamentary control of government

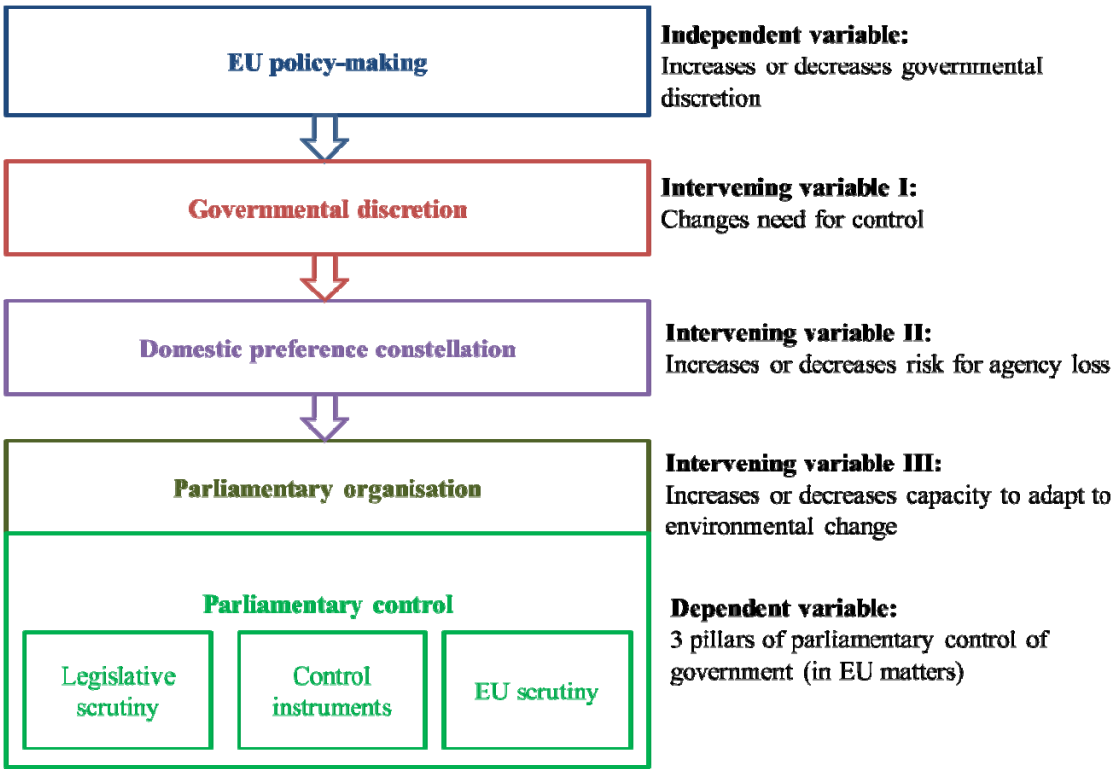
NPs have different capacities to cope with environmental change. Where parliament is highly specialised, the need for adaptation is lessened as control is already guaranteed. MPs become experts through committee work.

### 1.1.5. Summing up: A theoretic model for the investigation of the Europeanisation of NPs

The theoretical framework leads to a model of enquiry which we subsequently follow up within this thesis. The independent variable (IV) is **EU policy-making** which on the one hand, may increase the discretion of government by giving an information advantage. Thus, the more EU policy-making, and the more power of the Council the more

discretion government enjoys. On the other hand, EU enlargement and qualified majority voting (QMV) diminishes the weight of single governments in Council decisions and leads to a loss of influence of single member states. The discretion of government at EU level is filtered by the **domestic preference constellation**. The further away government finds itself from parliament and the coalition partner, the higher the risk for agency loss. **Parliamentary organisation** determines the potential of MPs to scrutinise government. The higher the specialisation of MPs, the more the information asymmetry of government is counterbalanced. Finally, regarding **parliamentary control**, specific EU scrutiny measures, but also the traditional control instruments and legislative scrutiny are taken into consideration when we evaluate executive-legislative relations in Luxembourg and delegation and accountability in EU matters (Figure 1).

*Figure 1: The model of enquiry*




This model of enquiry regarding the EU influence on three pillars of domestic parliamentary control of government does not take into account feedbacks of changes. For instance, when government draws on the mandate issued by its parliament in order to defend a particular argument in the Council of the EU, adaptations in EU scrutiny may provoke changes in EU policy-making. Changes in legislative scrutiny may impact on parliamentary organisation, if new committees are created in order to deal with specific legislative proposals. Control instruments, such as a strengthening of the budgetary overview, may diminish governmental discretion at domestic level. Rather than tracing the complete process of influence for one matter at stake, and although this means ignoring possible feedback dynamics, we opt consciously for a holistic approach examining three pillars of parliamentary control.

## *1.2. Hypotheses*

The review of literature and the theoretical framework lead to four hypotheses formally summarized and briefly outlined below. They assign the research agenda for the empirical chapters. We investigate hypotheses $H_0$, $H_1$, $H_2$ and $H_3$ on the role of the Luxembourgish parliament within the domestic setting.

In $\mathbf{H_0}$ we test whether **governmental discretion** has changed due to European integration and within the timeframe of the study, between 1999 and 2011. We consider $H_0$ rejected, if we find that the Luxembourgish government has gained or lost discretion at EU level. This approach differs from what Bergman and Damgaard (2000) propose for the country studies in their edited volume. When looking at "*Parliament as Principal and Cabinet as Agent*", the co-authors firstly outline the "*traditional and general organisation and role of the parliament"* and secondly the changes triggered by the EU (Bergman, 2000a, p. 10). This proceeding leaves the exact cause of parliamentary adaptation unobserved assuming an increase in the discretion of government and the risk for agency loss. Seen that our period of investigation ranges from 1999 to 2011, we rather leave it open whether government has gained discretion. The Amsterdam Treaty and the subsequent treaty reforms brought along a deepening and widening of the EU and those developments may have opposing effects on governmental discretion. Thus, we first test for change in Hypothesis $H_0$.

If we find a change in the discretion of government, we test two alternative hypotheses regarding the consequences of the changing role of the Chamber for the domestic power

balance. The **Deparliamentarisation/Abdication-Hypothesis $H_1$** builds on the principal agent approach and the question of discretion and trust. European integration, it states, leads to information advantages of governments with their inclusion in negotiations of the Council of the EU. Domestic legislatures, the governments' principals, are not able to scrutinise ministers' behaviour at EU level, because of the opacity of proceedings in the Council. Parliament responds by adjusting its internal procedures, and reforming administrative practices and/or the rules of the game at political level in order to hold government accountable. Thus, parliament as a principal is weakened if delegation to government has increased and control does not embrace the new tasks. If we lack evidence of a weakened parliament due to European integration, we reject Abdication-hypotheses $H_1$. Alternatively, we suggest testing **Adaptation-hypothesis $H_2$**. The domestic power balance remained as it was, but at a higher level so to say. Parliament in this case adapts control over government so that government is not able to enjoy the advantage of discretion in EU matters.

Furthermore, we test **Complicity-hypothesis $H_3$** suggesting that European integration has resulted in an alliance between parliament and government. Parliament reacted in order to better play the "*European game*" and used windows of opportunity to increase parliament's powers in EU policy-making. As such, it collaborates with government in the defence of the national interests (Table 1 and Figure 2).

*Table 1: Main hypotheses - A summary*

**Detecting a change in the discretion government enjoys at EU level:**
**$H_0$**: $t_0 = t_1 = t_2$ **Null-hypothesis**
Governmental discretion in EU matters has not changed in the period between 1999 and 2011.

In case **$H_0$** is rejected → test for possible consequences of change.

**European integration has made the parliament worse off:**
**$H_1$**: $x_0 > x_1 > x_2$ **Deparliamentarisation/Abdication-hypothesis**
Governmental discretion in EU matters has increased and parliamentary control has not improved adequately.

**Parliament has adapted to European integration:**
**$H_2$**: $x_0 = x_1 = x_2$ **Adaptation-hypothesis**
Parliamentary control of government was adapted according to the level of governmental discretion and the risk for agency loss.

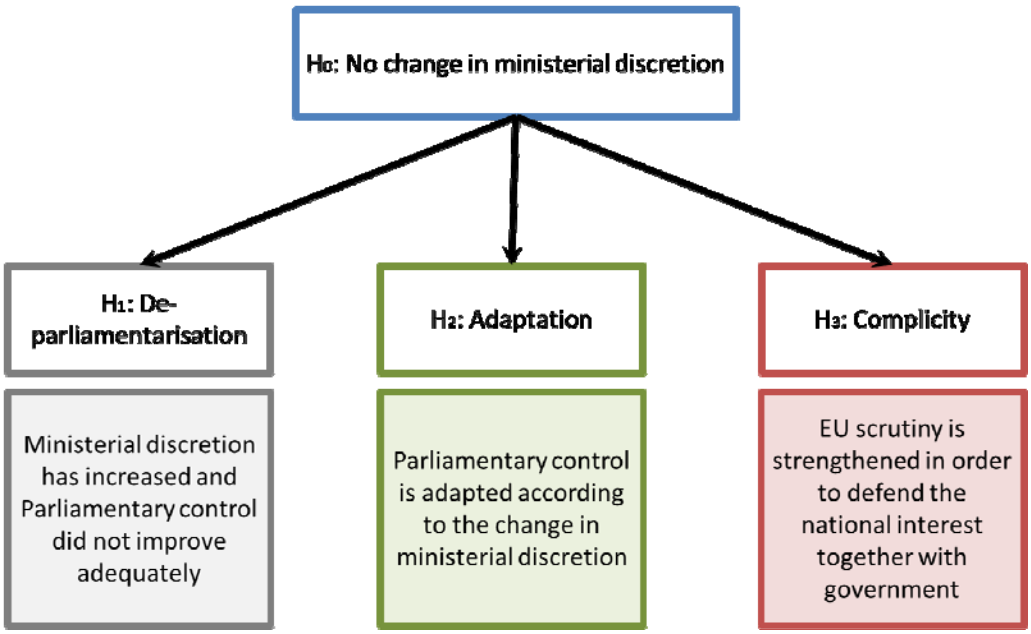
**European integration is perceived as common challenge at domestic level:**
**$H_3$**: $y_0 > y_1 > y_2$ **Complicity-hypothesis**
Parliament has increased its EU scrutiny in order to help government defend a national interest vis-à-vis the European institutions.

where:
*t:* Discretion of government
*x:* Parliamentary strength vis-à-vis the government
*y:* Parliamentary control of the European institutions

*0*: Legislature 1 (CSV/DP) (1999-2004)
*1*: Legislature 2 (CSV/LSAP I) (2004-9)
*2*: Legislature 3 (CSV/LSAP II) (2009-11)

CSV: Christian Social People's Party (*Chrëschtlech-Sozial Vollekspartei*)
DP: Liberal Party (*Demokratesch Partei*)
LSAP: Luxembourgish Socialist Workers' Party (*Lëtzebuerger Sozialistesch Arbechterpartei*)

*Figure 2: Relationship between hypotheses*




With those four hypotheses, we follow at least two purposes: Theory testing and theory building. The first aim is to test an often assumed causal relationship (European integration leads to deparliamentarisation). However, this research also contributes to the question of how European integration impacts on NPs and their role vis-à-vis governments. This thesis therefore examines whether a causal mechanism is present in the investigated case, but also encompasses explaining the outcome in order to better describe how this causal mechanism works.

## *1.3. Logics of enquiry*

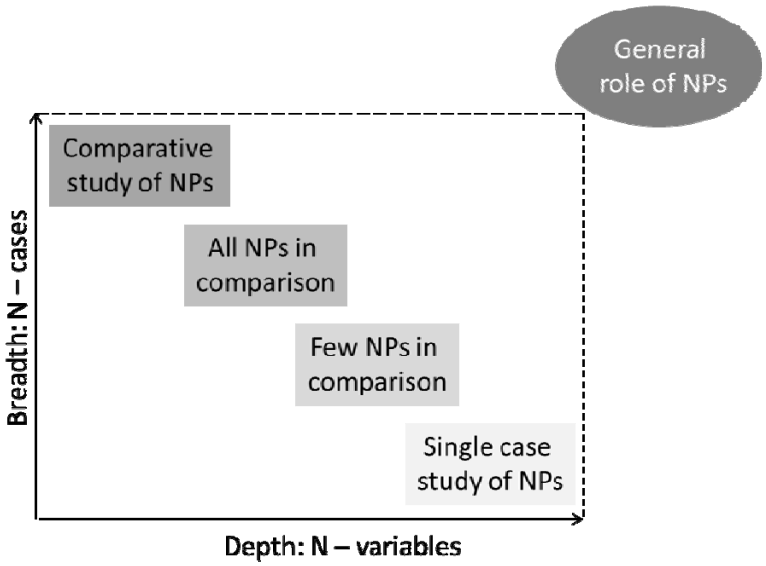
What we know about NPs in the EU mostly stems from five types of research: Firstly, some studies deal with the **general role NPs play within the EU** (Katz and Wessels,

1999; Kiiver, 2012, 2006). Secondly, **comparative research** covers the legislatures of all member states at a given time (Bergman, 1997; Karlas, 2012, 2011; Raunio, 2009, 1999; Winzen, 2013, 2012). Thirdly, and similar to the comparative studies, other **most inclusive research** on NPs in the EU still treats all member states' parliaments but introduces each of them as single cases typically in an edited book or journal issue (Maurer and Wessels, 2001a; Rozenberg et al., 2014). This type of study reveals more details on single parliaments and gives comparative insights in the conclusion written by the editors.

Other studies limit themselves to the **examination of a few parliaments**, rarely justifying the selection (Auel and Benz, 2006; Auel, 2007; Bergman and Damgaard, 2000; Brouard et al., 2012c, 2012c; Hamerly, 2007; Holzhacker, 2007b; Norton, 1996a; Smith, 1996). Such research has very actively investigated extreme cases, such as the Nordic parliaments, where EU scrutiny is considered to be high, as well as parliaments of the larger "*old*" member states (Germany, France and the UK). Finally, we find **case studies** treating one single NP (Börzel and Sprungk, 2007; Carlier, 1995; Demuth, 2009).

Those five types of research reveal what is known from other subject matters: Limits in resources and time require researchers generally to take a decision on whether to examine many cases on a few variables, or a few cases on many variables. There is thus a **trade-off between depth and breadth**, that is the extent to which a case is dealt with in detail and the number of cases included in a study (Aarebrot and Baka, 2003; Lijphart, 1975, 1971; Peters, 1998, p. 5) (Figure 3).

*Figure 3: Five types of studies on NP in the EU*




Source: Adapted figure based on Aarebrot and Baka (2003, p. 58)

### 1.3.1. Case selection

What becomes obvious from the classification of studies on NP in the EU is that the cases which have been investigated most often have shaped our thinking about NPs in the EU. We may even go so far to consider a "**Nordic bias**" in research on NPs in the EU, given the gap between the number of studies concerning European integration and the Nordic parliaments, most importantly Denmark (Arter, 1995; Damgaard and Jensen, 2006; Damgaard and Nørgaard, 2000; Fitzmaurice, 1976; Jensen, 2007; Laursen, 2005), and to a lesser extent Finland (Raunio and Wiberg, 2000a) compared to research on other parliaments. The particularity of the Nordic parliaments, which has fascinated and inspired research, lies upon the fact that EU scrutiny is exerted seriously and rigorously via **parliamentary mandates** which define the negotiation position of government at EU

level. This system was made possible by periods of minority government unknown in other countries (Strøm, 1990, p. 58). Also when government finds itself temporarily in minority position at the crucial point in time when decisions on European integration need to be taken, the introduction of a strict mandating system is more probable.[12]

Furthermore, Nordic case-biased research sometimes covers an inherent judgement which says that strong EU scrutiny in form of parliamentary mandates for EU level negotiations is most desirable. Parliaments ranging low when it comes to such standards are under-researched and less known in the English-speaking literature. Among those parliaments are not least those of the Southern member states, **small parliaments** (Benz, 2005, p. 518), and parliaments which are difficult to study because of the language of parliamentary proceedings or both, for instance Cyprus and Luxembourg. The Nordic bias is also a bias towards member states of later **enlargement** rounds. The six "*old*" member states, among them Luxembourg, were able to shape European integration from the beginning. Thus, there is an empirical lack of research which limits our ability to judge the evolution of parliamentary democracy in the EU.

This thesis follows the fifth design (compare with Figure 3 on page 43) and thus deals with **one single country study** – the Luxembourgish parliament and its relationship to government in a most extensive way. We analyse all parliamentary fora and actors concerned with lawmaking and parliamentary control, the instruments they are applying

[12] A non-Nordic example confirms this thesis. When Austria was to enter the EU, it had to change its Constitution in order to comply with the necessities of membership. Constitutional changes require a two-thirds majority in the Nationalrat. Opposition was in a historic situation to blackmail government to commitments. This is how the Austrian scrutiny reserve saw the light of day.

as well as formal and informal rules, behaviour and their change. European integration is seen as a process and an examination of its consequences for domestic institutions requires us to investigate trends over time. Thus, we take into account of scrutiny as well as lawmaking, and seek to understand how they have changed due to European integration.

Contrary to studies on a large number of cases (large-N studies), where case selection should guarantee a representative sample in order to draw general conclusion on the population, a selection of cases on the dependent variable (DV) is allowed and even required in studies of a limited number of cases (small N-studies) (Ebbinghaus, 2005, p. 142; Goertz and Hewitt, 2006). Our DV within this study is parliamentary control more generally and in EU matters more particularly, consisting of legislative scrutiny, traditional parliamentary control instruments and EU scrutiny in the narrow sense. However, we know rather little about the population of NPs regarding all those aspects of control in EU matters. Choosing the Chamber for our investigation should therefore help completing the picture and developing a framework for comparative analysis in all NPs of the EU. Taking into account the independent and intervening variables on the other hand, Luxembourg is an extreme case of a very small, but specialised parliament in long-term and hyper-stable majority government.

While the thick description of a case study seems to be incompatible with inferences about causal relationships at a first glance, this thesis has the ambition to find causal explanations and contribute thus to theory advancement. To be sure, a "*single case can*

*constitute neither the basis for a valid generalization nor the ground for disproving an established generalization*" as Lijphart (1971, p. 691) has put it. King, Keohane and Verba even go so far as to discourage from single observation studies *"and argue that successfully dealing with it is extremely unlikely"* (King et al., 1994, p. 209). However, treating only one parliament does not automatically mean that comparison and causal inference is totally excluded. Lijphart (1975, p. 160) distinguishes between "*entities*" and "*cases*", like George and Bennett (2005, p. 32f) suggest that cases may include many observations and thus single case studies are perfectly legitimate. Thus, the investigation of several units of observation provides us with several cases within the Luxembourgish setting.

The crucial point is the basis of observation. Research on one case, such as one country or a NP, may thus be of comparative nature. What is more, comparing observations within one entity, helps avoiding the so-called "***whole-nation bias***", where sub-units are artificially equalised. "*Smelser (1967:114-115) argues that 'Intra-unit comparisons may prove more fruitful than inter-unit comparisons' because their degree of similarity is likely to be higher*" (as cited in Lijphart, 1975, p. 168). This is especially so for parliamentary procedures such as lawmaking or parliamentary control, where comparability is hampered by the complexity of political systems, as the parliamentary context, as well as the particularity of proceedings up to the point of non-comparability (see Peters, 1998, p. 14 on the overstatement of commonality in comparative studies of institutions and legislatures). Some instruments, such as parliamentary questions (PQs) for instance, are known under the same name but following very different rules and

functions (Rozenberg and Martin, 2011; Russo and Wiberg, 2010). Cross-case comparative research would in this case need to pay attention and be sure to compare like with like, risking "***conceptual stretching***" (Sartori, 1970, p. 1034ff).

### 1.3.2. Research design and causal inference

More particularly, we follow the **congruence method** in a "*disciplined configurative*" case study research (George and Bennett, 2005, p. 75 and 181ff). It requires a theoretically founded relationship between independent variable (IV) and the dependent variable (DV) and is thus theory driven. This includes the determination of the value of the IV and then tests whether the expected result is consistent with the prediction. Such "*case study can contribute to theory testing because it can 'impugn established theories if the theories ought to fit it but do not', and it can serve heuristic purposes by highlighting 'the need for new theory in neglected areas'"* (Eckstein (1975, p. 99) as cited in George and Bennett (2005, p. 75)). Rather than drawing conclusions on other cases, we thus aim at improving our theoretical framework and the way of studying NPs.

To further increase our ability to draw **causal inferences**, we establish an intra-system comparative design (Lijphart, 1971, p. 678ff) and divide the entity of a national parliament into sub-units of time that are periods of variance in the IV. This within-case analysis may be seen as a quasi-experimental comparative design. A causal relationship can be determined because extraneous variables are controlled for and confounding biases eliminated.

On the one hand, **cross-time comparisons** bear the advantage of a constant contextual framework (Peters, 1998, p. 23f). Measuring more than one point in time and tracing developments over a longer period further improves internal validity within this thesis. We track the evolution of parliamentary control for the context of varying settings and during a crucial period of European integration: The permanent transformation of the EU polity and its competences ask for further research on the role of NPs in the EU, especially in the light of the changes brought along with the entering into force of the Nice Treaty in 2003 and the Lisbon Treaty in December 2009. Foremost the latter introduced new mechanisms for NPs' involvement in EU decision-making (see the new information policy and the so-called yellow and orange-card mechanisms[13]). This project will give an outlook on the implications of the Lisbon Treaty on NPs. What is more, enlargement has changed the rules of the game during the period under investigation. In 2004 and 2007, the accession of 12 Eastern and Southern member states has had a major effect on decision-making in the European institutions. Thus, if European integration has an impact on parliamentary control of government, this impact is likely to be visible during those 13 years under investigation.

At the national level, two different government coalitions in two and a half legislatures were in place between 1999 and 2011. The Conservatives (CSV) governed in coalition with the Liberals (DP) from 1999 to 2004 (Legislature 1) and in coalition with the Socialists (LSAP) from 2004 to 2009 (Legislature 2) and as of 2009 (Legislature 3). The change in coalition partners gives opportunity to an investigation on the relationship

[13] Protocol (No. 1) on the role of national parliaments in the European Union (Protocol 1) and Protocol (No. 2) on the application of the principles of subsidiarity and proportionality (Protocol 2), Lisbon Treaty.

between government and parliament and the respective patterns of (voting) behaviour within the parliamentary groups. It should however not hide the fact that all three governments have been based upon large majorities within parliament. This intra-system comparison between different periods aims at fine-tuning theoretical stances in Europeanisation research. It enables us to control the influence of EU policy-making (our IV) as well as the domestic context. Figure 4 summarises the research design.

*Figure 4: Within-case comparison*

| **T IME →** | | |
|---|---|---|
| → 1997 Amsterdam Treaty → → → → 2003 Nice Treaty → → → → → → → → → → → → 2009 Lisbon Treaty → → → | | |
| Legislature 1<br>1999-2004 CSV – DP | Legislature 2<br>2004-2009 CSV – LSAP | ½ Legislature 3<br>2009-2011 CSV – LSAP |
| Committee 1 | Committee 1 | Committee 1 |
| Committee … | Committee … | Committee … |
| Committee 19 | Committee 17* | Committee 18 |

Independent variable:
► EU policymaking under the Treaties of Amsterdam, Nice and Lisbon

Controlling for:
► Discretion at EU and domestic level, risk of agency loss

Dependent variable:
►Role of the Luxembourgish parliament as principal

*…17 committees until 2005/6 and 18 as if 2006/7
Number of legislatures=3, Number of years=13

### 1.3.3. Indicators and data

Recent research has acknowledged the importance of including scrutiny as well as lawmaking in the measurement of the Europeanisation of a legislature. Raunio and Wiberg (2010) suggest five indices to account for the European impact. The share of EU-related laws, firstly, concerns lawmaking. Secondly, the share of parliamentary questions and confidence votes regarding EU issues measures scrutiny. Third, committee time and fourth, plenary time spent on European matters as well as, fifth, party group meeting time concern the different fora within the parliament. Taken all together, the five measures touch upon all parliamentary fora and their relationships towards government.

This is a good starting point for developing indicators on the Europeanisation of delegation and accountability between government and parliament. However, an adaptation of these measures is needed with regard to the hypotheses investigated within this thesis. The results obtained by qualitative and quantitative indicators are substantiated in the empirical chapters two to six.

We measure the **discretion of government in EU matters** as the amount of legislative acts related to EU matters. Three indicators serve determining this quantity: Firstly, the amount of different types of EU legislation. Secondly, the translation of those into domestic regulation, that is the amount of executive decrees and laws related to EU matters. Thirdly, and more closely regarding parliament, we investigate the number of laws transposing directives. Furthermore, we add a qualitative measure and investigate changes in the EU Treaties and the rules guiding EU matters at domestic level for an

increase of governmental discretion. Those four measures together enable us to determine if the discretion of government has increased in EU matters and in the period between 1999 and 2011.

In order to determine the need for an adaptation of parliamentary control of government, we have to take into account the **risk for agency loss** as measured by Party Manifesto data. Thus, we obtain the policy positions of all parties represented in parliament at the time of the election. The differences in policy positions between government and parliament, and between the coalition parties help evaluating, whether parliament is prone to strengthen its scrutiny arrangements or not.

We **triangulate** multiple indicators for each of the following variables and base our conclusions on a variety of provenances of empirical information. Our indicators for **parliamentary control in EU matters** concern parliamentary organisation, the legislative process, traditional control instruments and EU scrutiny in the narrow sense. Regarding **parliamentary organisation** we especially emphasis changes in the organisation of committees, that is the number and competences of committees, types of committees and their composition. Within the **legislative process**, we analyse amendments, final votes and the length of the legislative process, besides the rules guiding lawmaking. Furthermore, changes in the use of **traditional control instruments** are an important indicator for how the executive-legislative relationship works. The use of parliamentary questions (PQs), interpellations, votes of confidence and budgetary control in EU matters are among the instruments investigated. Finally, we explore the use

of **EU scrutiny** in the narrow sense which consists of the control of governmental behaviour in EU level negotiations and the screening of EU documents. Thus, the number of EU documents treated by committee, the reasoned opinions and political opinions issued by the Chamber are examined.

The **main source** of the quantitative investigation is the parliament's online archive on www.chd.lu as well as printed minutes and reports of the Chamber (altogether indicated as parliamentary proceedings in Table 2). The coding of laws was mostly retrieved from those online minutes of the public sessions of the Chamber, that is the voting results, amendments, dates of deposit and vote etc.

The printed minutes of public sessions and annual activity reports of the Chamber contain information about the committee composition and meetings, EU scrutiny, as well as the different parliamentary control instruments. They were drawn upon if the online archive was inconclusive with regard to specific information. For instance, if a voting result could not be found via the search for the parliamentary dossier number, indications on the public session where it has been voted on have been used to look up the print version of minutes. Those are accessible in the National library and the Chamber's library.

Detailed information about specific aspects of parliamentary control, for instance the enquiry committees and PQs, have been found in the respective committee reports which again may be found in the online database of the Chamber. The minutes of committee meetings were unfortunately not easily accessible. Committee meetings are held in

private and only recently, very general minutes of those meetings are publicly accessible. In order to trace developments over time, the investigation of agendas was thus limited to the European affairs committee of the Chamber (EAC), where we were allowed access thanks to the permission of the General Secretary and the committee chair.

The coding of parliamentary proceedings was certainly very time consuming as the online database and the printed minutes are not prepared for quantitative legislative research. The search options are rather limited and the database at times slow. However, this data comes from first hand and a source which is most reliable and exhaustive. The retrieved data is complete and represents the whole population of laws, committees and control instruments in the period of investigation (1999-2011).

Besides, we draw information on legislative texts from the LegiLux database of government (www.legilux.lu) and the reports of the Central service for Legislation (SCL).[14] Difficulties arose when the information provided by government and parliament differed. For instance, we have coded laws which transpose directives from the Chamber's proceedings, however, found diverging numbers of laws per year in LegiLux. The choice for one source or the other were indicated where they were used in the analysis. Information on the amount of EU regulatory output came from the Eur-Lex database (www.eur-lex.eu) and secondary sources. The precise link to those statistics is indicated where they have been used.

[14] Service Central de Législation

The investigation of **formal rules** was based on the Rules of Procedures (RoP, see annex 1 of this study) provided by the Chamber after request, as not all versions have been publicly available. The changes in the constitutional provisions are indicated in the latest version of the Constitution which is to be retrieved at LegiLux.[15] Secondary literature as well as interviews helped the interpretation of formal rules.

Additional support for our interpretations were provided by a total of 28 **face-to-face interviews** and one telephone interview with MPs, members of the European Parliament (MEPs), and ministers, staff of the Chamber, ministries, the State Council, the Audit Court and professional chambers, held between August 2012 and November 2013. Those guided interviews were recorded if the interviewee permitted and transcribed. The questions depended on the professional experience of the respondent but all related to inter-institutional relations, EU matters and the specific institutional insight gained by the interviewee. The interviewees were first chosen by their (previous) function and later through the snowball system, that is through recommendation of persons who could inform about particular aspects of this thesis. They permit an unbiased view on inter-institutional relations, as interviewees come out of a plenitude of institutions involved in lawmaking and scrutiny.

The total of this data allows thus to draw conclusions on the evolution of formal rules, their use, the behaviour of actors at micro-, meso- and macro-level (MPs, committees and parliament as a whole), and different institutional perspectives. Formal rules and statistics

[15] The Luxembourg Constitution may be found under this link: http://www.legilux.public.lu/leg/textescoordonnes/recueils/Constitution/. last access 31 December 2013.

about behavioural patterns were used as the backbone of the empirical part of this study. Those were "*beefed up*" with the particular insight of the practitioners involved in and enabling decision-making.

*Table 2: Indicators and data sources*

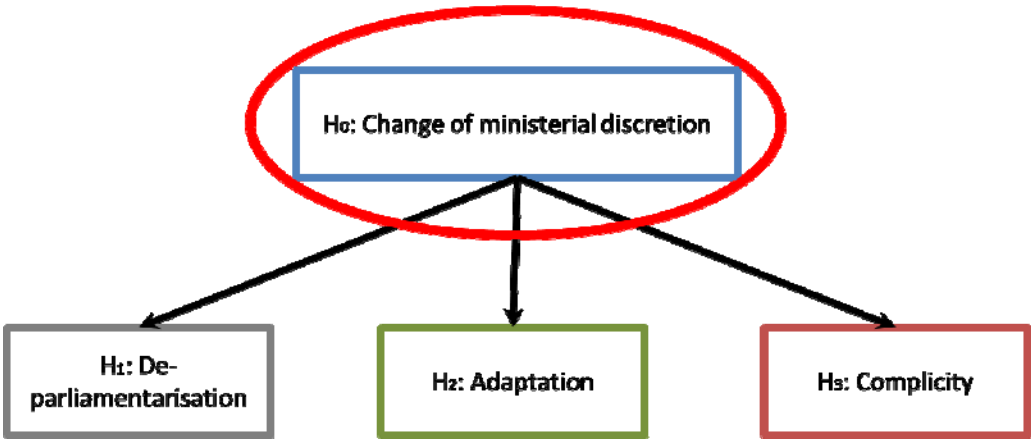
| Variable | Concept | | Indicator | Source |
|---|---|---|---|---|
| Independent variable | Governmental discretion | 1 | EU competences as fixed by the Treaties | Legal texts, secondary literature |
| | | 2 | Amount of EU legislation by type | Eur-Lex |
| | | 3 | Voting power in the Council of the EU | secondary literature |
| | | 4 | Amount of EU related domestic regulation by type | Eur-Lex |
| | | 6 | Number of EU related laws | Legilux, parliamentary proceedings |
| Intervening variable | Risk of agency loss | 7 | Difference in policy positions of government and parliament | Party Manifesto data |
| | | 8 | Difference in policy positions of coalition parties | Party Manifesto data |
| Intervening variable | Scrutiny potential | 9 | Number, types and competencies of committees | Parliamentary proceedings |
| | | 10 | Committee composition and chairing | Parliamentary proceedings |
| | | 11 | Number of committee meetings | Parliamentary proceedings |
| | | 12 | Laws by committee | Parliamentary proceedings |
| | | 13 | Committee membership | Parliamentary proceedings |
| Dependent variable I | Legislative scrutiny | 14 | Number of amended laws | Parliamentary proceedings |
| | | 15 | Final votes | Parliamentary proceedings |
| | | 16 | Length of the legislative process | Parliamentary proceedings |
| Dependent variable II | Parliamentary control instruments | 17 | Parliamentary questions and interpellations | Parliamentary proceedings |
| | | 18 | Motions | Parliamentary proceedings |
| | | 19 | Budgetary control | Parliamentary proceedings |
| | | 20 | Committees of enquiry | Parliamentary proceedings |
| Dependent variable III | EU scrutiny | 21 | Number of EU documents by committee | Parliamentary proceedings |
| | | 22 | Reasoned opinions issued | Parliamentary proceedings |
| | | 23 | Political opinions issued | Parliamentary proceedings |
| | | 24 | Presence of government in parliament | Parliamentary proceedings |

# Chapter 2. Governmental discretion and risk for delegation

Policy initiation is one major step in policy-making which is to a large extent delegated to government. It initiates legal acts at domestic and supranational level. One part of the argument used by the advocates of the abdication thesis is that EU regulation lies at the source of the democratic deficit. EU level negotiations facilitate agency loss because NPs are not able to control their governments during their negotiations in the Council. What is more, NPs have ignored how more and more competences went to supranational level and escape their control (Maurer and Wessels, 2001a, 2001b). Hence, governments gain discretion if more domestic regulation is decided in Brussels.

In order to expect a need for the adaptation of parliamentary control of government, governmental discretion at EU level must vary. Within this chapter, we investigate in how far this basic assumption taken up by Hypothesis $H_0$ holds (Figure 5 compare with section 1.2 on page 38).

*Figure 5: Focus on governmental discretion - Hypothesis $H_0$*



In what follows, we firstly review the competence mix at EU level and **size the amount of EU regulation** in order to examine whether governments have gained on discretion at EU level. Most importantly, we investigate the different EU policy instruments, their development over time and their use. Besides the question of EU regulatory output, this study examines the consequences of enlargement by investigating voting weight and voting power of the Luxembourgish government in the Council of the EU.

In the second part of this chapter, we control for changes in **policy initiation at domestic level** necessitating adaptations in parliamentary control. The aim of this second part is to define the role of the Chamber in the legislative process. We evaluate whether its role has changed within the period between 1999 and 2011, and whether the government's standing has improved. The legislative procedure is examined concerning an eventual change in the discretion of government during the period of investigation, that is between 1999 and 2011. Although lawmaking is not subject to EU regulation as such, indirect influences from EU policy-making may be observed, be it in the arrangements regarding the transposition of EU law, be it in an anticipation of EU policy-making in domestic lawmaking or domestic reforms on the occasion of EU regulation.

Corresponding to the two level polity of Luxembourg, the communal and national level legislate (Schroen, 2008, p. 117). Within this thesis, we do however not address lawmaking at the communal level. Our focus lies on the Chamber of Deputies. Through

the possibility to accumulate the mandate of a MP and the one of a member of the communal council, the two levels are however well entangled.[16]

Furthermore, we investigate the sources of laws and the instruments of transposition. European legal acts are only effective, if they are transposed into the national legal order. While the majority of transpositions are carried out by executive decree, parliament has to be involved when a directive touches upon specific areas fixed by the Constitution (art. 37 C).

In the third section of this chapter, we calculate the **risk** parliament takes when delegating to government. We measure the policy preferences expressed in the electoral programmes of parties represented in parliament using Party Manifesto Project (PMP) data. This is one way to deal with the question of "*reversion points*", that is the status quo and the relative distance of principal and agent to this point (compare with section 1.1.2 on page 25). The so expressed differences in positions between government and opposition and the coalition partners respectively allow us to estimate the importance of ministerial discretion and a risk for agency loss.

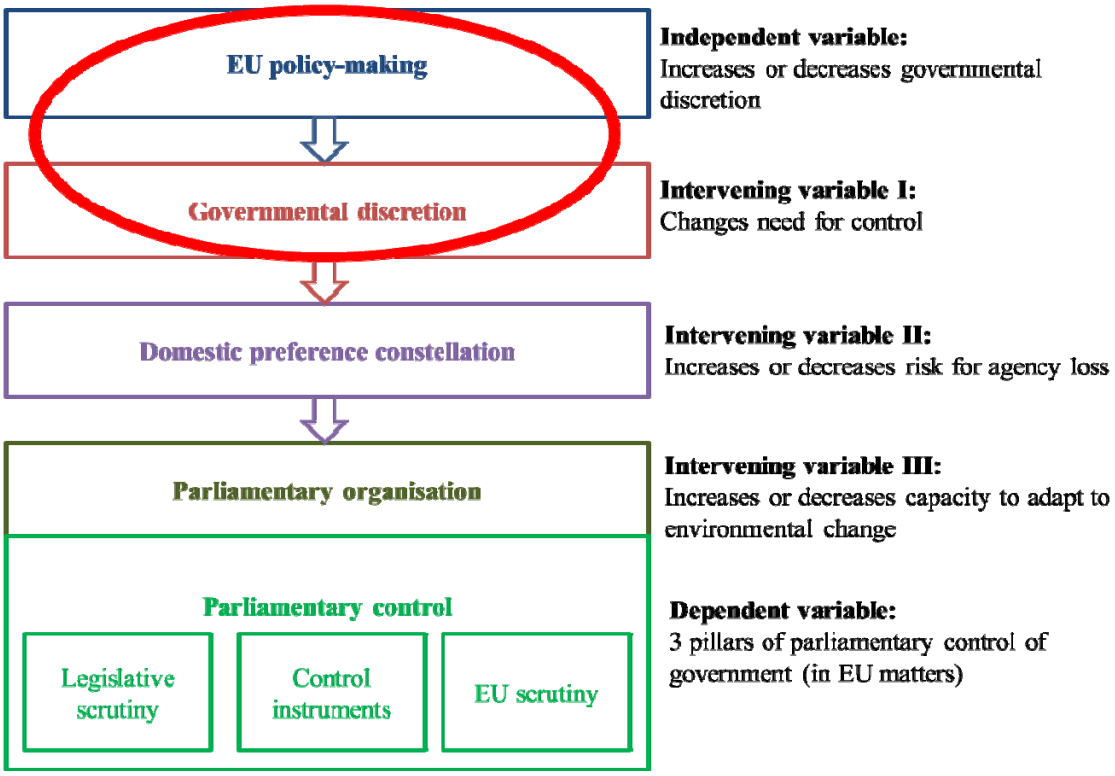
[16] Schroen (2008, p. 108) finds 71.5% of MPs holding a communal mandate at the same time. All parties – except the Greens – organise their parliamentary works via their geographical belonging. If for instance an issue touches upon the matters of a certain community, the MP elected in this community would take over to follow it up. The Greens organise regarding policy areas and committee belongings rather. Even if an issue concerns the community of a specific MP more particularly, the subject matter decides who of the MPs takes over its follow up (Member of the Chamber of Deputies, face-to-face interview, 10 December 2012).

We conclude with an evaluation of ministerial discretion in EU and domestic policy-making and perceived risk for agency loss for the three governments in place during the period between 1999 and 2011.

## *2.1. Ministerial discretion at EU level: Deepening and widening*

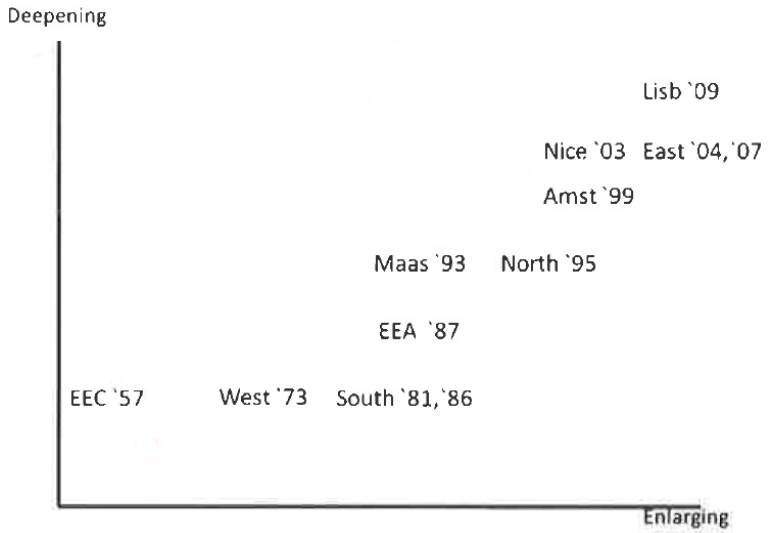
This chapter examines whether governmental discretion has varied regarding EU decision-making. It thus concerns the IV of this thesis as outlined in the model of enquiry (Figure 6).

*Figure 6: The model of enquiry - EU policy-making and governmental discretion at EU level*



The Treaties of Amsterdam (1999), Nice (2003) and Lisbon (2009) have deepened European integration by increasing the EU's scope and competences in many policy areas (Craig and Búrca, 2011). Enlargement on the other hand has decreased the Union's capacity to act as the accession of new member states has *"increased the diversity of interests in the Council of Ministers"* (König et al., 2012, p. 22). Between 1999 and 2011, the EU grew from 15 to 27 member states. Ten Eastern member states joined in 2004 (including Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia) and two in 2007 (Bulgaria and Rumania) (Figure 7).

*Figure 7: Historical development by treaty revisions and enlargement rounds*




**Enlargement**: West `73: accession of Denmark, Ireland and UK; South `81`86: Greece (1981), Portugal & Spain (1986); North `95: Austria, Sweden & Finland; East `04, `07: Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Malta & Cyprus (2004), Bulgaria & Romania (2007).

**Deepening/Treaty revisions** (year indicates their entry into force): EEC `57: European Economic Community; EEA `87: Single European Act 1987; Maas `93: Treaty of Maastricht 1993; Amst `99: Treaty of Amsterdam 1999; Nice `03: Treaty of Nice 2003; Lisb `09: Lisbon Treaty 2009.

Source: König et al. (2012, p. 23)

The level of EU policy-making is a **function of the possibility and the capacity** to do so, in other words *"the extent of material competencies of the EU and the motivation and ability of the Commission, the member states and the European Parliament to use them"* (König et al., 2012, p. 22). The range of formal EU competences alone does not determine the EU regulatory output, but also the use of those competences. The empirical expression of EU policy-making is thus the result of this function of possible and actual use, and illustrates the consequences of the deepening and widening of European integration.

In the following sections, we take account of this function and investigate legal provisions on the one hand and the EU policy output on the other hand. While it is a common knowledge, that the EU has increased its competences, we shall give a coherent overview of which competences have been added by the three treaties in force during the period of investigation between 1999 and 2011. An outline of the binding EU policy-making instruments as well as the development of the use of legislative and non-legislative acts adds to this section. The aim is to give a full account of EU regulatory activity in order to arrive at an estimate of governments' discretion and its development between 1999 and 2011.

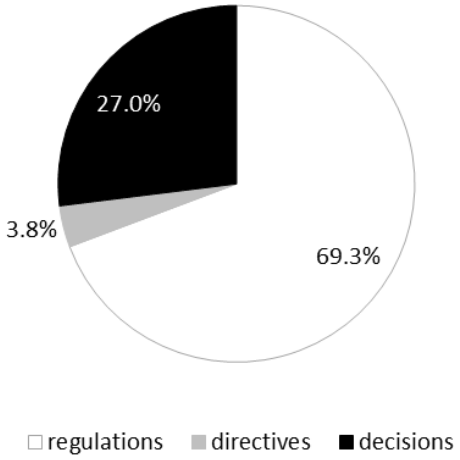
### 2.1.1. Binding EU policy-making instruments

The EU treaties introduce **three forms of legal acts**: Regulations, directives and decisions (art. 288 TFEU[17], ex art. 249 TEU[18]). They vary in their application, bindingness and the choice of instrument. In the Lisbon Treaty the choice of instrument is generally specified. If such is not the case, they are selected "*on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality*" (art. 296 TFEU). Before, the treaties left the choice of instrument open in most of the cases (Craig and Búrca, 1998, p. 106).

Between 1999 and 2011, the EU has issued 41,910 binding acts that are on the average around 3,224 acts per year. Only 3.8% of those came in form of directives and thus had a chance to go through NPs. More than two thirds of all acts were regulations and more than one fourth decisions, both bypassing NPs (Figure 8).[19]

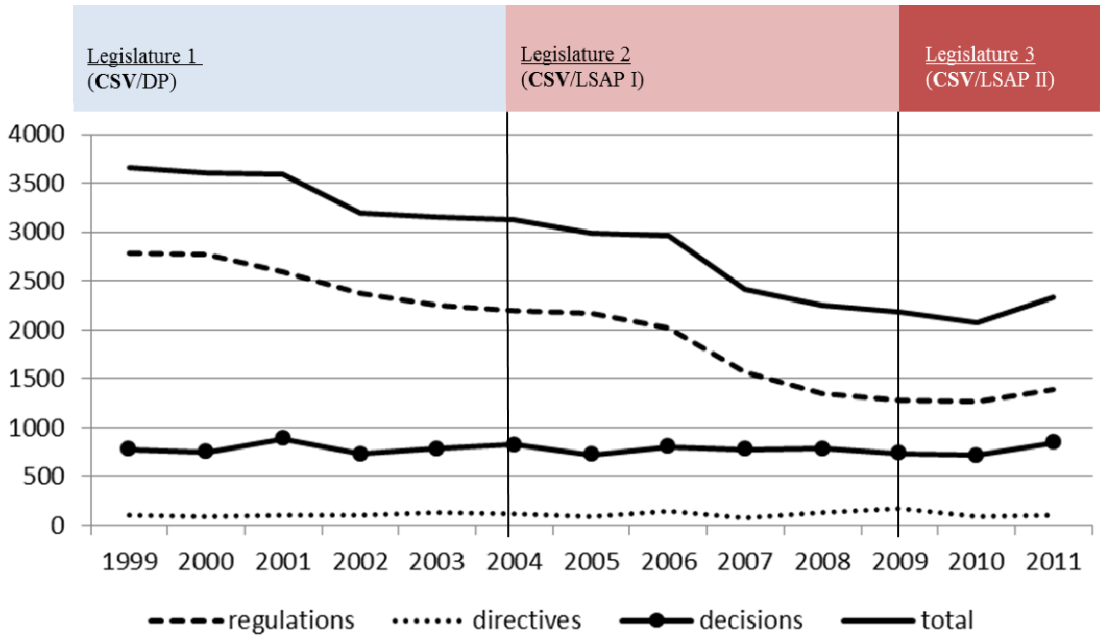
[17] Treaty for the Functioning of the European Union
[18] Treaty of the European Union
[19] Where not otherwise indicated, the data of this section are retrieved from the Eur-Lex website at http://eur-lex.europa.eu/Stats.do?context=legislative, last access: 7 January 2014.

*Figure 8: Regulations, directives and decisions issued by European institutions, percentages, 1999-2011*



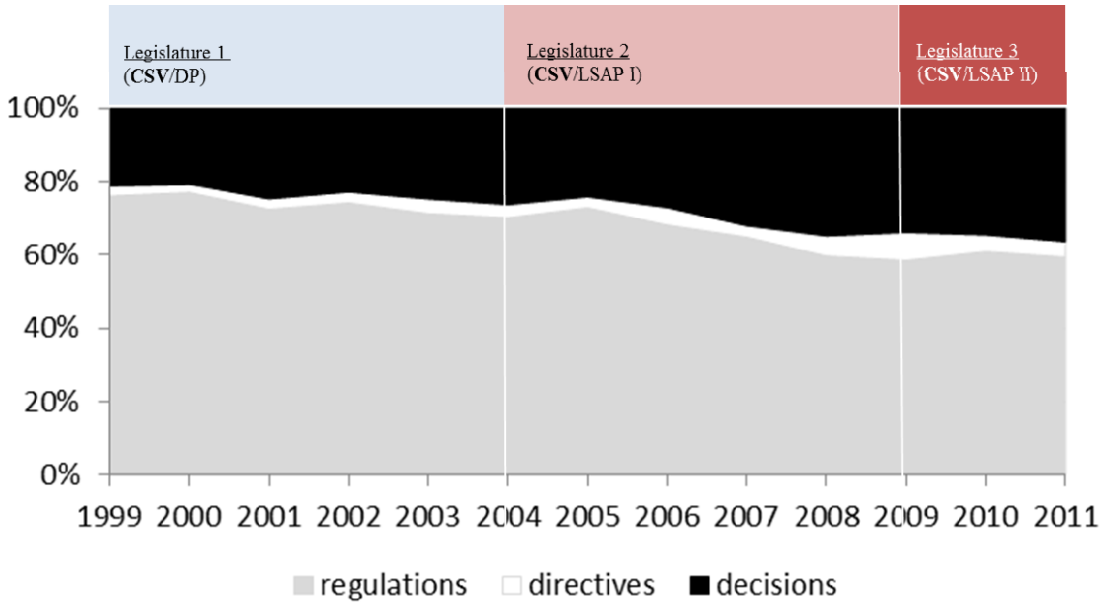

The total amount of binding EU acts has decreased since 1999 in terms of absolute numbers. Thus, although the EU has increased its competencies, its regulatory output continues to decrease. This is due to the decrease of issued regulations. The number of decisions and directives remain at similar and comparatively low levels. The trend is steady except for the year 2009 when the number of regulations increased again from around 1,500 to almost 2,000. The run-up to the Treaty of Lisbon seems to have left the EU in a stalemate. When it entered into force, many dossiers could be unblocked and adopted (Figure 9).

*Figure 9: EU regulatory output by type of legal act, absolute numbers, 1999-2011*




König et al. (2012, p. 24) confirm that the amount of decisions rose with the number of member states and in the period between 1984 and 2007. In relative terms, this trend continues until 2011. The percentage of decisions among all binding acts issued rose from around 20% in 1999 to 35% in 2011, to the detriment of regulations. Those are however bypassing NPs. Most visible at domestic level and for NPs more particularly are however directives. They have to be transposed into the domestic legal order either by executive decree or law. The number of directives is supposed to decrease over time due to the accomplishment of harmonisation efforts (König et al., 2012, p. 24). However, the trend concerning directives is less clear. Their share already was at low levels and varies slightly over the years, with heights in 2006 and 2009 (Figure 10).

*Figure 10: Regulations, directives and decisions (basic and amending acts), percentages, 1999-2011*




### 2.1.2. Legislative and non-legislative acts

As Craig and Búrca (2011, p. 104) note no a priori hierarchy exists among the legislative instruments. Regulations, although binding and directly applicable, are not superior to directives, for instance. All instruments are applied in all different areas of the Treaties. However, depending on the legislative or non-legislative (delegated or implementing) character of an instrument, **legal hierarchy** is established: Legislative acts are superior to non-legislative acts. The procedures of making legislative and non-legislative acts differ (art. 297 and 288 TFEU).

The acts with binding effect, that is regulations, directives and decisions may express **legislative or non-legislative character**. While the choice of a legal instrument depends on its substance, its form is determined by the respective procedure employed. Legal acts

are created by ordinary or special legislative procedure (art. 289 TFEU), whereas non-legislative acts are delegated to the European Commission, excluding the Council of the EU as well as the EP from decision-making. Non-legislative or tertiary legislation is of technical nature and "*requires more expertise than democratic legitimization"* (König et al., 2012, p. 24). In case a certain provision in the Lisbon Treaty does not specify a procedure, only non-legislative acts may be produced, even if the predecessor provision in the Treaty of Nice clearly could produce legislative acts (Craig and Búrca, 2011, p. 113). Tertiary legislation is thus supposed to increase because of unspecified areas of application but also in case of an increased level of conflict in the Council of the EU which may prevent from overruling tertiary legislation (König et al., 2012, p. 24).

The large number of non-legislative regulations explains that almost 80% of the EU's legislative output is issued by the Commission. Second ranges the Council and third, acts adopted by the Council and the EP together. In absolute terms, the Council legislative output has remained stable during the period of investigation with peaks in 2004 and 2011. Council acts including the EP have increased over the time (Figure 11 and Figure 12). [20]

[20] Where not otherwise indicated, the data of this section are retrieved from the Eur-Lex website at http://eur-lex.europa.eu/Stats.do?context=legislative, last access: 7 January 2014.

*Figure 11: EU policy output by regulator (basic and amending acts), absolute numbers, 1999-2011*

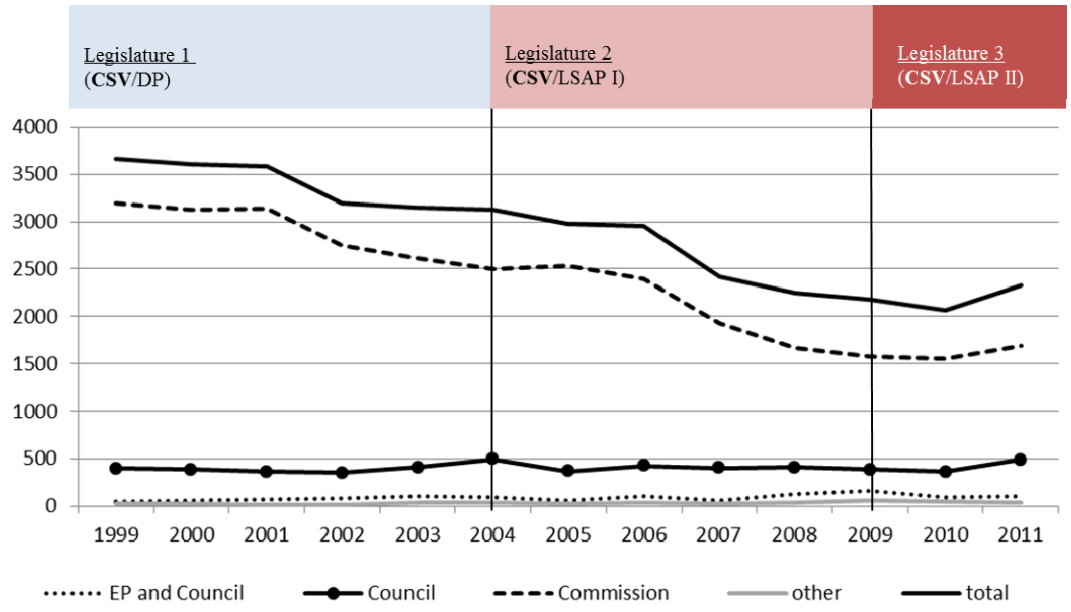
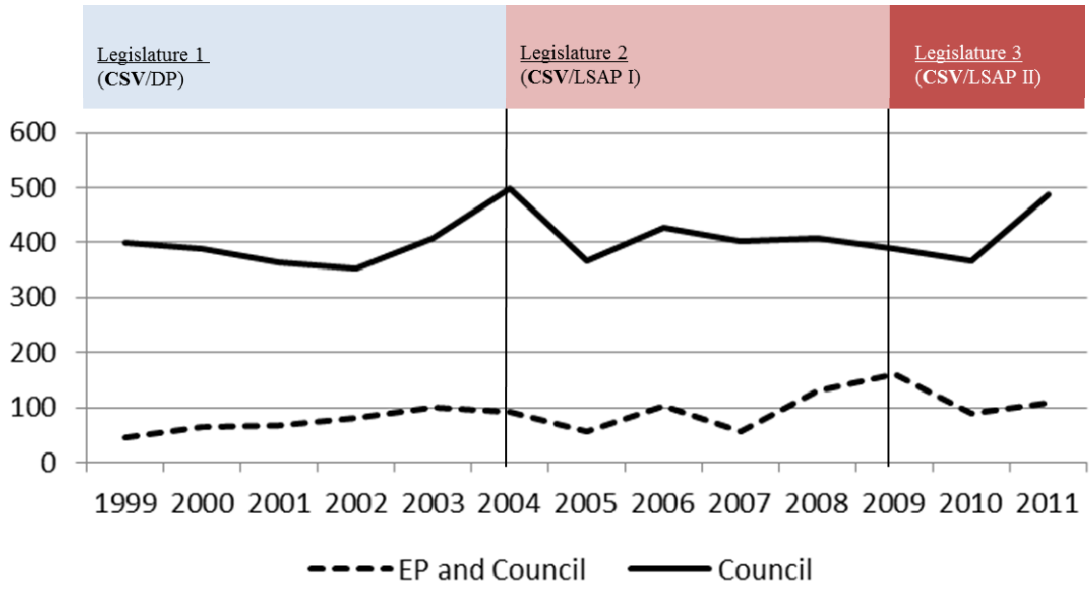



*Figure 12: Council and EP policy output (basic and amending acts), absolute numbers, 1999-2011*




In relative terms, the Commission has undoubtedly decreased its regulatory activity. Contrary to what some scholars have expected (Costa et al., 2006), the legislative output

of the Council (including acts of the Council and the EP) has remained rather stable after the enlargement. Decisions on the other hand, including the Council in their making, have gained on weight as well as decisions including the EP (Figure 13 and Figure 14).

*Figure 13: EU policy output by regulator (basic and amending acts), percentages, 1999-2011*

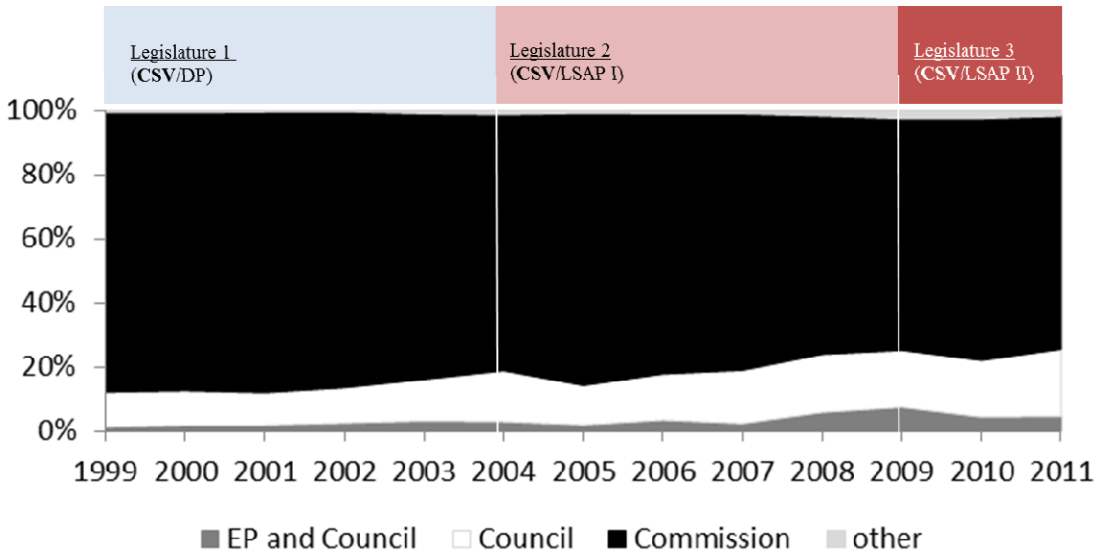
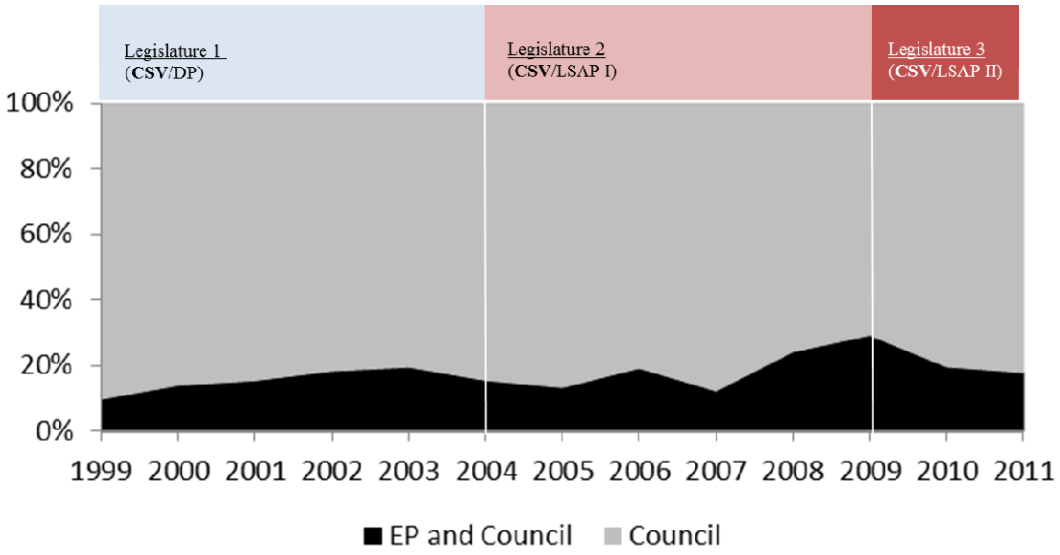



*Figure 14: EU legislative output by regulator (basic and amending acts), percentages, 1999-2011*



With the Lisbon Treaty, two forms of non-legislative acts were introduced. While they differ from legislative acts in the procedure of their adoption, their substance may be of legislative nature though. If a legal act delegates the adoption of non-legislative acts to the Commission, it is called a **delegated act**. Such delegated acts are of general application and shall "*supplement or amend certain non-essential elements of the legislative act*" (art. 290(1) TFEU). The objective, content, scope and duration of the delegation must be fixed in the respective legislative act and essential elements are reserved to legislative acts. EP and Council may veto a delegated act.

Besides, the Lisbon Treaty foresees **implementing acts** as second category of non-legislative instruments. The implementation of binding EU acts is in principle the duty of the member states. However, in cases where "*uniform conditions*" are needed, a legislative act may attribute implementation to the Commission or the Council (art. 291(2) TFEU). The difference between the two instruments gives substance for debate among EU scholars and practitioners. Craig and Búrca (2011, p. 113f) point to the aim to divide between secondary acts of legislative nature (delegated acts) and those of non-legislative nature (implementation acts). However, this division is not clear-cut.

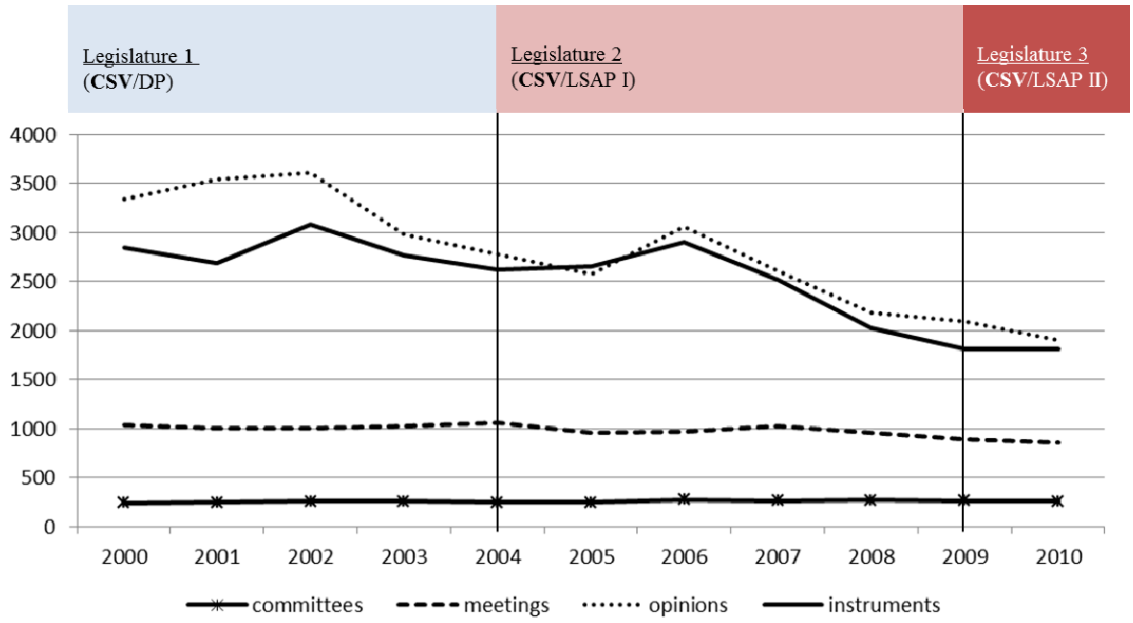
The two non-legislative instruments substitute what has been known as **secondary measures** (art. 202 TEC), which were produced in the **Comitology working group system** of European Commission and member states' experts. In case the national representatives disagreed with a Commission proposal of an executive act, it could be vetoed by the Council. The existing measures ranged on a continuum between rule-

making and implementing. Implementing acts executed a legislative act, without amending or supplementing it. Under the Lisbon Treaty, implementing acts are subject to the revised version of the Comitology procedure, while delegated acts undergo ex-ante and ex-post controls by the Council and the EP.

Comitology pre-Lisbon was seen as a form of control on EU action, but also as form of "*deliberative supranationalism*" evoking concerns of transparency and legitimacy. EP and Commission were not satisfied with the veto power of the Council under the **Comitology** regime (Craig and Búrca, 1998, p. 137ff). Until the Lisbon Treaty, the Council could confer the right to issue regulations to the Commission via a "*parent regulation*" (art. 202 TEC). Such delegated acts were widely used in the areas of agriculture and competition for instance. The committees of member states' representatives served as control to the Commission.

Those qualitative changes bring along quantitative shifts. A major decrease in the number of opinions and instruments issued under the Comitology procedure is visible. The number of Comitology committees remains stable over time and their meetings only recently decrease (Figure 15).

*Figure 15: Comitology committees, meetings, opinions and instruments absolute numbers, 2000-10*




Data source: Reports from the Commission on the working of committees 2000-10

With the new delegated acts under the Lisbon Treaty, the Commission has gained important stances in regulatory autonomy. While the **Council lost its authority** it held in the review of Comitology decisions, the EP is now increasingly asked to exert scrutiny on delegated acts. It may not yet be foreseen, in how far the EP will attend to this duty and how the new system will work in practice (Craig and Búrca, 2011, p. 139).

Similarly, difficulties arise when it comes to controlling implementing acts. A revised Comitology procedure still exists for implementing acts, including an advisory and an examination procedure.[21] It is important to acknowledge that the division between delegated and implementing acts is crucial for the involvement of the EP and the Council.

[21] Regulation 182/2011 of the EP and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Craig and Búrca (2011, p. 141) note that the Lisbon Treaty has added complexity rather than limiting it.

### 2.1.3. The weight of votes in the Council of the EU

Apart from the quality and quantity of the EU legislative output, we would assume the decision-making style to change with enlargement. Individual member states have less say, not least in Council of the EU bargaining and the outcome of decision-making gets less predictable with the number of actors involved. In the period between 1999 and 2011, the EU increased from 15 to 27 member states. Until 2004, Luxembourg held two votes in the Council of the EU. With the Act of Accession of 2003, Luxembourg obtained four votes (art. 205(2) TEU) which it holds until 31 October 2014, when transitory provisions expire (art. 3(3) Protocol No 36 on Transitional provisions, and art. 16(4) TEU, art. 238(2) TFEU).

In the literature, Luxembourg is portrayed as winner of enlargement. Compared to the size of its population, it is still over-represented in the Council (Felsenthal and Machover, 2000; Slomczynski and Zyczkowski, 2006). Although its number of votes increased from two to four, Luxembourg's vote share in the Council, that is its **voting weight**, decreased from 2.3% to 1.2%, because of an increase in the total number of votes from 87 to 345.

Voting weight is however not the same as **voting power**. The latter may be calculated using the **Normalised Banzhaf index**. This index shows the share of changes in majorities a voter may cause. In other words, it indicates the probability a voter may

produce a "*swing"* and change a yes-decision to a no (Leech, 2002). The Normalised Banzhaf Index for Qualified Majority Votes (QMV) has a value of 2.26 before enlargement and 1.25 after the 2004 enlargement for Luxembourg.

In order to better estimate the room for manoeuvre of the Luxembourgish ministers at EU level, we calculate an **discretion index (DI)** based on the number of acts issued by the Council multiplied by Luxembourg's weight in the Council, that is the Normalised Banzhaf index (Equation 1).

*Equation 1: Discretion index*

$$DI = Ca * VWL$$

DI: Governmental discretion at EU level index
Ca: Council acts
VWL: Voting weight of Luxembourg in the Council of the EU (Normalised Banzhaf index)

The three governments in the period under investigation thus enjoyed varying discretion at EU level. The CSV/DP government, in place between 1999 and 2004, had most discretion. Its voting power was still at higher level as the ten new member states joined in 2004 only. Luxembourg's voting power subsequently dropped after 2004 and the CSV/LSAP I government had to face a situation of less discretion, with an output of Council acts which drops in 2005 after its peak of 2004. The CSV/LSAP II government of 2009 again sees an increase of its discretion at EU level. Although its voting power remains at lower levels, the Council regulatory output increases and thus lifts our discretion index (Table 3, Figure 16 and Figure 17).

*Table 3: Luxembourg's voting weight in the Council of the EU and DI, 1999-2011*

| L[1] | year | votes | total | QMV | weight[2] | Banzhaf[3] | Council acts | DI[4] |
|---|---|---|---|---|---|---|---|---|
| L1 | 1999 | 2 | 87 | 62 | 2.30% | 2.26 | 255 | **5.8** |
| | 2000 | 2 | 87 | 62 | 2.30% | 2.26 | 232 | **5.2** |
| | 2001 | 2 | 87 | 62 | 2.30% | 2.26 | 195 | **4.4** |
| | 2002 | 2 | 87 | 62 | 2.30% | 2.26 | 210 | **4.7** |
| | 2003 | 2 | 87 | 62 | 2.30% | 2.26 | 215 | **4.9** |
| L2 | 2004 | 4 | 321 | 232 | 1.25% | 1.25 | 248 | **3.1** |
| | 2005 | 4 | 321 | 232 | 1.25% | 1.25 | 173 | **2.2** |
| | 2006 | 4 | 321 | 232 | 1.25% | 1.25 | 198 | **2.5** |
| | 2007 | 4 | 345 | 255 | 1.16% | 1.25 | 218 | **2.7** |
| | 2008 | 4 | 345 | 255 | 1.16% | 1.25 | 215 | **2.7** |
| L3 | 2009 | 4 | 345 | 255 | 1.16% | 1.25 | 236 | **3.0** |
| | 2010 | 4 | 345 | 255 | 1.16% | 1.25 | 273 | **3.4** |
| | 2011 | 4 | 345 | 255 | 1.16% | 1.25 | 322 | **4.0** |

[1] L: Legislature, L1: Legislature 1 (CSV/DP), L2: Legislature 2 (CSV/LSAP I), L3: Legislature 3 (CSV/LSAPII)
[2] The voting weight was calculated as the number of votes divided by the number of total votes.
[3] Normalized Banzhaf index for QMV in the Council of the EU, the figures are retrieved from Hosli (2008, p. 91, 2000, p. 23).
[4] Discretion Index

*Figure 16: Discretion index and voting power (Normalized Banzhaf index), 1999-2011*

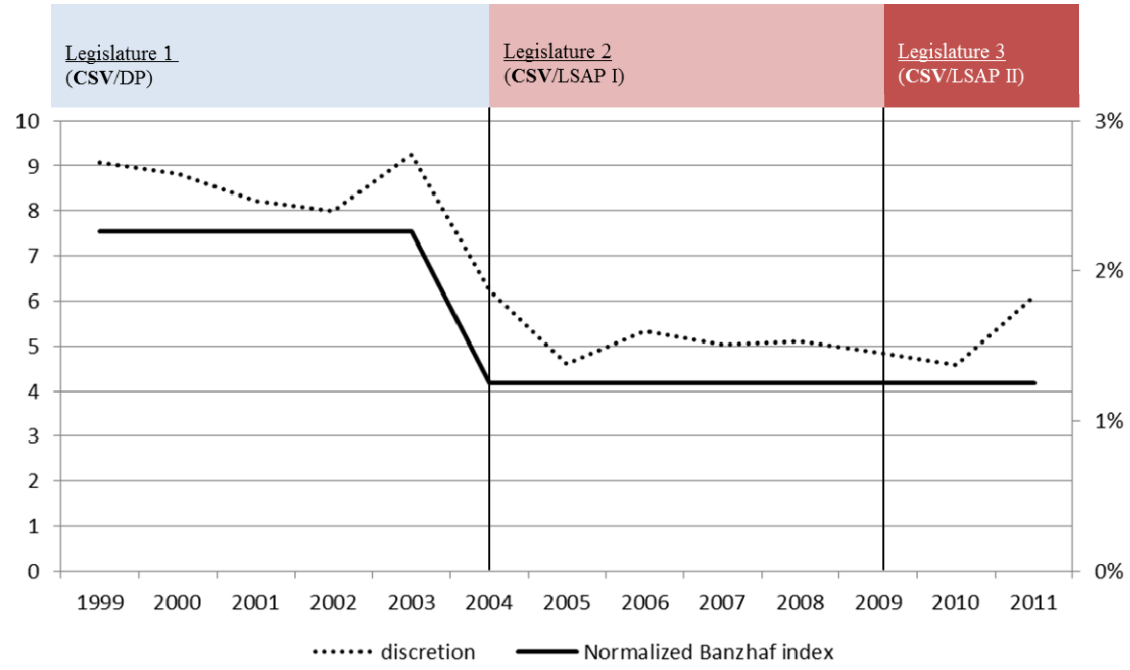
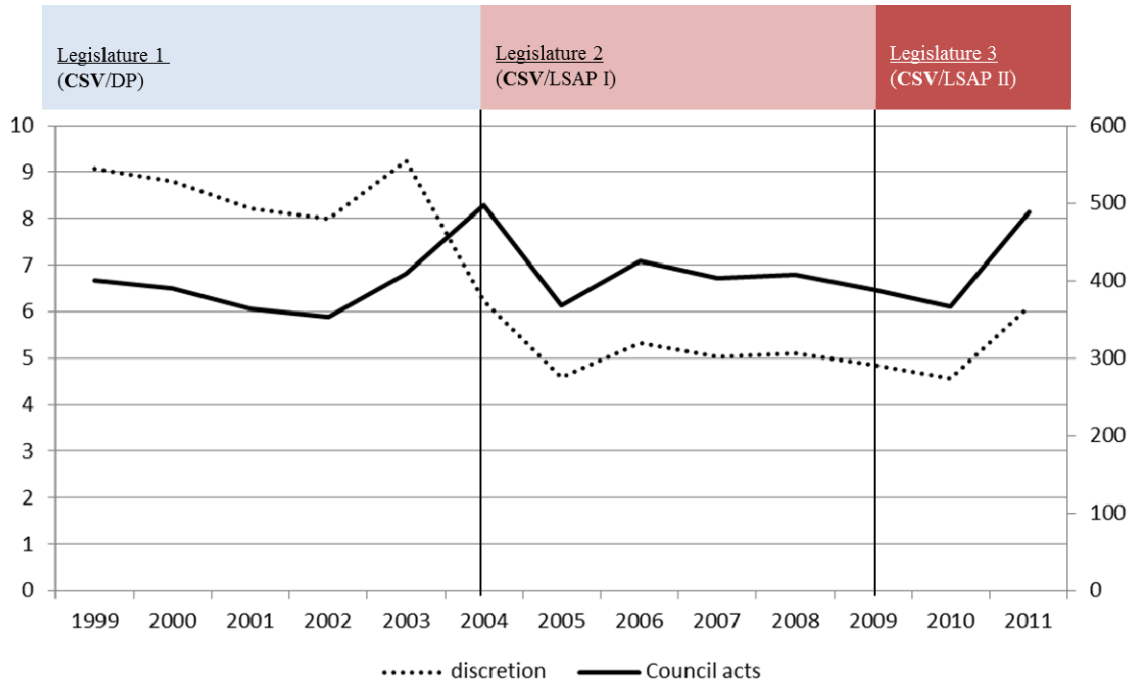


*Figure 17: Discretion index and Council acts, 1999-2011*




The advantage of representing an old member state decreases for ministers, as interviewees confirm. The establishment of interpersonal relations between the country representatives became more difficult as the group expanded. With six or fifteen member states, every minister in a Council of the EU formation knew the other one and the structure of his/her member state. Particular sensitivities and problems became evident at regular visits at informal Council meetings. It was easier to evaluate whether a standpoint of a minister was strategy or based on a real problem. With the enlargement, the knowledge of the others' challenges remains basic, not least because visits have to be made in 28 countries. But also the meetings of groups of member states with common

interests have decreased. All this complicates the representation of a small country like Luxembourg.[22]

At the same time, Luxembourg enjoyed a major advantage given the stability of its governments. Often, Luxembourgish ministers were among the most senior politicians in the Council. As such, they received more attention than other small countries with more frequent government change and more junior ministers did.[23] Seniority is an advantage at administrative level too, apart from cross-sector knowledge.[24]

The Council remains however a **consensual institution** with a large majority of its decisions being adopted without dissent between member states (Dehousse and Deloche-Gaudez, 2006; Hayes-Renshaw et al., 2006; Heisenberg, 2005, p. 73; König and Junge, 2009). Contrary to the expectations, conflict in Council negotiations did not increase, as first evidence on the consequences of the "*Big Bang*" enlargement round of 2004 suggests (Van Aken, 2012). Luxembourg did and still does belong to a non-contesting group (Heisenberg, 2005; Hosli et al., 2011) of a "*silent majority*" (Van Aken, 2012). The new member states have adapted and mostly joined this non-contesting group of member states. Van Aken concludes that "[…] *the growing diversity of Member States' preferences has been absorbed by existing coalition patterns in the Council rather than by the creation of entirely new ones"* (Van Aken, 2012, p. 62).

[22] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[23] Former Member of the Chamber of Deputies and former Minister, face-to-face interview, 29 October 2013.
[24] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

### 2.1.4. Summary and conclusions: Ministerial discretion at EU level

There are opposing tendencies which need to be taken into account when it comes to estimate the development of the discretion of member states' governments in EU policy-making. On the one hand, we observe an increase in the importance of the Council when it comes to decision-making at European level. The amount of acts issued by the Council alone remained stable between 1999 and 2011 while the total EU policy-making activity has decreased over this period. The Commission is the main regulator in purely quantitative terms, but it may issue only technical tertiary acts, and those have scaled between 1999 and 2011. It limited the issuing of tertiary regulations and this mainly accounts for the decrease in EU regulatory output, although the number of acts issued by EP and Council together has fallen as well (but at lower levels). We thus conclude that the Council has kept its importance in EU decision-making between 1999 and 2011.

The more recent developments since the introduction of the Lisbon treaty however point to the fact that governments have lost in influence in EU decision-making. The number of Comitology acts, which are under the control of Council working groups, has dropped and the say of the EP on delegated acts increased. QMV has been extended. What is more, enlargement speaks for a decrease of individual governments' importance in EU decision-making, most importantly in 2004, when 10 new member states entered the EU.

The Normalized Banzhaf index suggests that Luxembourg's voting power in the Council indeed decreased due to enlargement, as it should be the case for all founding members of the EU. We propose to calculate a **discretion index (DI)**, based on the quantity of

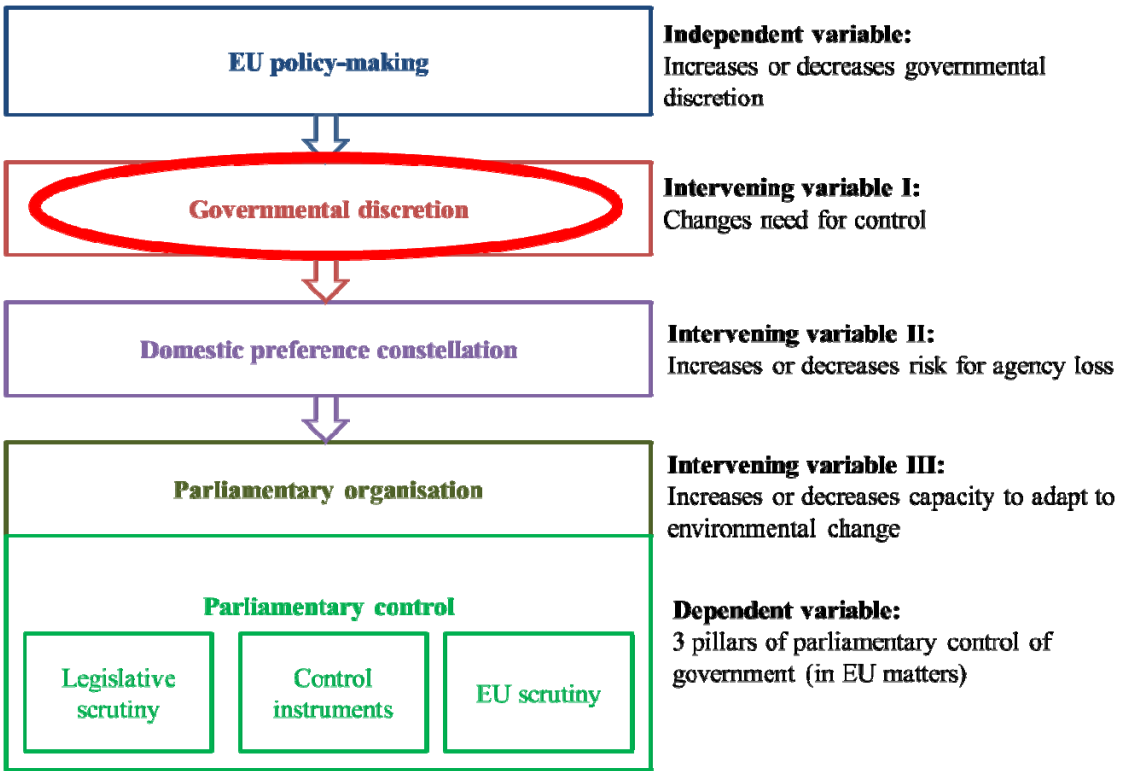
legislative output and the voting power of a member state in the Council of the EU. Among the three governments under investigation, the CSV/LSAP I coalition suffers of a decrease in the DI at EU level, compared to its predecessor, the CSV/DP government. Since 2009, the DI increased again, due to the increase of legislative output of the Council.

Thus, taking into account ministerial discretion only, parliament should increase its control of the CSV/DP coalition, followed by the CSV/LSAP II government. The CSV/LSAP I government on the other hand should face less parliamentary control, as the DI is lower compared to the other two coalitions. However, preferences too play a role when it comes to the risk for agency loss. In the next section, we evaluate this risk for delegation of the three governments.

## *2.2. Ministerial discretion at domestic level: Lawmaking 1999-2011*

This section aims at an evaluation whether the discretion of ministers at domestic level has changed during the period of investigation. Ministers have discretion in EU negotiations and EU policy initiation. At national level too, policy initiation is government business and this makes ministers and their staff experts in their fields. While laws may origin in the respective agenda of a government, it enjoys no total freedom in policy initiation. Not least, EU directives have to be transposed into the domestic legal order. Government may largely decide on instrument and timing for doing so. In our model of enquiry, this completes the examination of governmental discretion, our first intervening variable (Figure 18).

*Figure 18: The model of enquiry: Governmental discretion at domestic level*




### 2.2.1. Law initiation: Main steps, actors and behaviour

The **initiative** to a law comes either from the executive (the government) or from the legislative (the Chamber of Deputies) (art. 47 and 48 C (2012)). An initiative of the executive is called a law project ("*projet de loi*"), an initiative coming from parliament a law proposal ("*proposition de loi*"). The respective ordinary legislative procedure depends on the initiator of a bill.[25]

[25] Subsequently, we use the terms "*bill*" and "*draft law*" interchangeable. for both, parliament and government law initiatives.

The Grand Duke's role is limited to the start and end phase of the legislative process. In the start phase, he may ask the government to take a certain initiative to a law. Practically, he does not use this right, but only formally charges a minister to hand in a bill proposal in his name. The **government** is the main initiator of draft laws. The ministerial responsibility outweighs the Grand Dukes irresponsibility. Every decision taken by the executive is signed by both, a member of government and the Grand Duke. However, only the minister is accountable for his actions (ibid. p. 6).

The assent of the Chamber is required for all laws (art. 46 C (2012)). The executive, formally again the Grand Duke, does however have the right to undertake technical measures, such as regulations and decrees, which are necessary for the execution of laws (art. 36 C (2012)). The Grand Duke agrees on international treaties, but they may only enter into effect after they have been approved and underwent the ordinary legislative procedure (art. 37 C (2012)).

The whole government works together in the creation of a **law project**. Once the text is agreed by the ministerial college, the responsible minister prepares a Grand Ducal direction. Signed by the Grand Duke, the direction is constitutional condition for the deposal of the draft law at the parliament. It comes with comments on articles and a synopsis of motives. At the same time, the draft law is sent to the State Council and, depending on the topic, to the respective professional chamber(s) (Schroen, 2008, p. 119f). The respective letter indicates the date of approbation by the ministerial college, as well as information on the concerned professional chambers and other consultative

bodies. It also indicates an eventual urgency of a draft law and if it transposes EU directives. Attached to the letter is the text body of the draft law and respective documents (Service Central de Législation, 2010, p. 10). The Central Service for Legislation (SCL) acts as intermediary administration between government and parliament, government and State Council, as well as parliament and State Council which it addresses with a demand for examination of the law initiative.

Article 54 of the Chamber's Rules of Procedures (RoP) (1999) pointed to an **urgency procedure**. This provision was based on the organic law of the State Council, where in case of urgency the government would transfer a draft law to parliament and State Council at the same time, instead of sending it to the State Council first and then submit all documents to parliament.[26] Article 54 RoP was abolished in 2000. Rather than being an exception, the government used the urgency procedure in most of its initiatives, not least, because a presentation at parliament generally allows government to inform the press and present the project to the greater public. The minister thus wins public laurels and all necessary changes on the demand of the State Council most importantly fall into the period of examination within parliament.[27]

Parliament took account for this practice and lifted the urgency procedure to the standard procedure. In any case, it is practice that the committees take up discussions in most of

[26] Loi du 12 juillet 1996 portant réforme du Conseil d'Etat, Mémorial A n° 45, p 1319, doc. parl. 3940.
[27] Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013 and Official of the State Council, face-to-face interview, 18 September 2013.

the cases only with the reception of the opinion issued by the State Council.[28] This is due to the fact that at some instances, when the Chamber sets out to its work on a draft law too early, it had to start afresh after the delivery of the State Council opinion.[29] Even though the urgency procedure became the ordinary procedure, they still wait for the State Council opinion before taking up works.

Legislative initiatives from within the parliament, so called **law propositions**, stem from at least one (or several individual) MPs (art. 55 RoP (1999-2004), art. 56 RoP (2007-11)). Similar to the procedure guiding law projects, the author comments the articles of the law proposal and adds a synopsis of motives to the text. While government initiatives do not undergo an a priori selection procedure in parliament, initiatives of MPs have to pass the Conference of Presidents, where their proposals are scrutinized for their value of taking further pursuit.

The Conference of Presidents is the parliamentary steering organ including the Speaker, the Secretary General and the leaders of all parliamentary factions (art. 28 RoP 2007-11, art. 26 RoP 1999-2004).[30] It is responsible for the organisation of works in the Chamber. Firstly, at the very beginning the law proposal is brought for the attention of the **Conference of Presidents** (art. 58 RoP (2007-11), art. 57(1) RoP (2000-4), the former

[28] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013.
[29] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.
[30] The formation of a parliamentary faction requires at least five MPs. The Chamber distinguishes between political factions comprised by MPs of the same party affiliation and technical factions, which consist of MPs of affiliations which are too small to create a political faction on their own (art. 13-15 RoP 1999-2004, art. 14-16 RoP 2007-11).

Commission de Travail (art. 57(1) RoP (1999)) which decides upon its permissibility and the responsible committee.

The votes of representatives of factions are weighted by their number of seats. Thus, majority rules in the Conference of Presidents too, however, consensus seeking is prevailing. Yet, the opposition factions dispose over a veto when it comes to the selection of the speaking time model in public session, a decision taken at the Conference of Presidents. The opposition is always granted a general longer speaking time, in case it requests so. Generally speaking, only on rare occasions, requests are refused by the Conference of Presidents. Rather, proposals for changes are made.[31]

Until 2009, the conditions of permissibility were specified in the RoP. Article 58(1) RoP (2007) (art. 57(1) RoP (1999-2004)) stated that a law proposal would always be permitted, unless it violated public order or etiquette. Today the measure for permissibility is not stated, the Chamber decides following a proposal of the Conference of Presidents.

Recently, the RoP introduced more specific rules in case a law proposition was turned down and not followed up. If for whatever reason a law proposition was not successful and stopped during the legislative procedure, MPs may not introduce the same proposition in the same session (art. 62 RoP (2011)). However, authors of law bills may withdraw their proposition (art. 64(1) RoP (2011)) and factions (or the Conference of

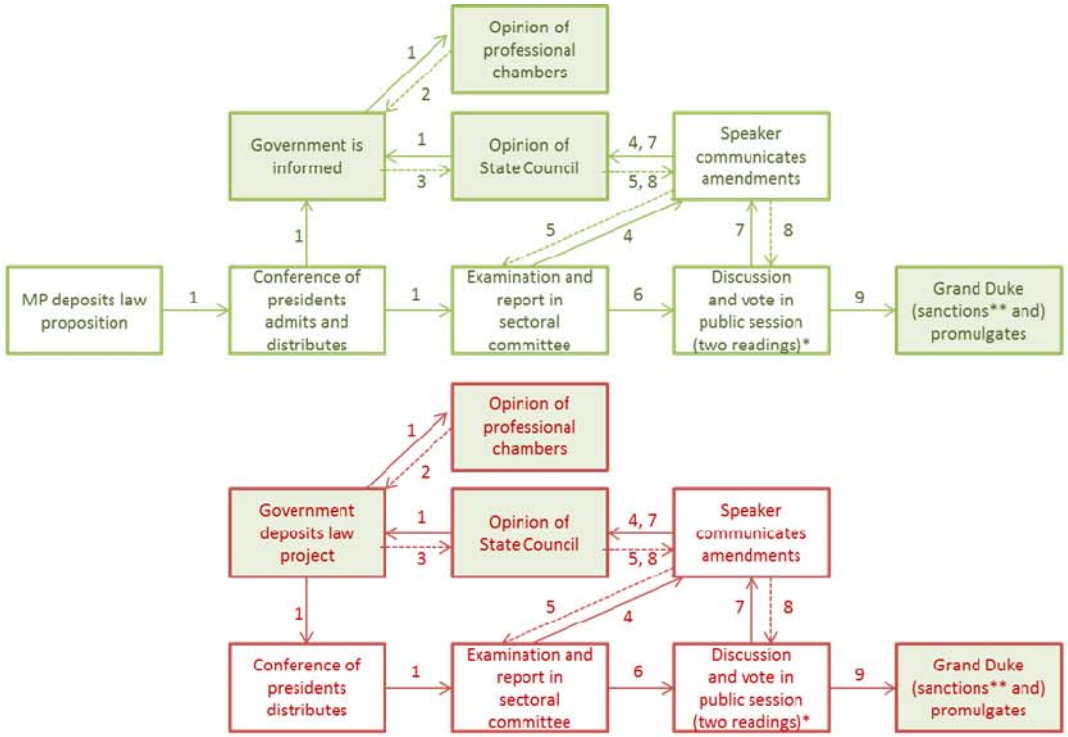
[31] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.

Presidents) may do the same, if the author of a proposition leaves parliament (art. 64 (2) and art. 65 RoP (2011)). Reports on law propositions with budgetary consequences have to indicate how to cover additional costs before they may be adopted (art. 63 RoP (2011)). After the first vote in plenary, a bill proposition may not be withdrawn anymore (art. 66 RoP (2011)).

Then, the **State Council** may be consulted in the run-up to a draft law with regard to the principles of a planned reform. This however happens quite rarely.[32] More commonly however, it reviews all law initiatives – that is law projects and propositions - and their amendments. In its opinions on legislative acts, it may issue a formal opposition towards the content of a law or an amendment, based upon the compliance of constitutional, fundamental, international or European principles of law. It has no legislative function but may rather be characterized as "*competent under constitutional law, extra-parliamentary legislative committee*" (Service Central de Législation, 2010, p. 10) compensating for the lack of resources of parliament and government (compare with section 4.3.1 on page 223). The legislative process differs thus only marginally between government initiatives and parliament initiatives. (Figure 19).

[32] Official of the State Council, face-to-face interviews, 18 September 2013, and Official of the State Council, face-to-face interview, 4 October 2013.

*Figure 19: Legislative process for government and parliament initiatives*



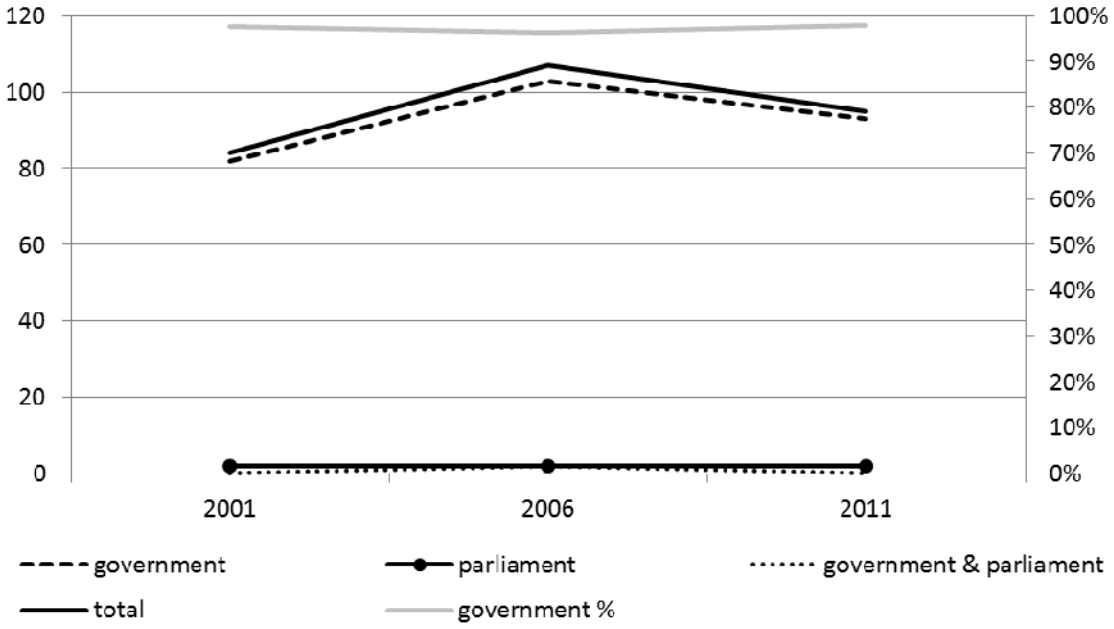

The light boxes signify parliament-internal procedures.

* suspensive veto of the State Council
** until 2008

**1 law initiative**
**2 opinion of professional chambers on law initiative**
**3 opinion of State Council on law initiative**
**4 amendments in committee**
**5 opinion of State Council on amendments in committee**
**6 law initiative as amended in committee**
**7 amendments in public session**
**8 opinion of State Council on amendments in public session**
**9 adopted law**

In order to evaluate the discretion of government in law initiation at domestic level, we investigate a sample of years and all laws adopted in 2001, 2006 and 2011. Laws based on parliament law initiatives remain marginal. Furthermore, a few bills are introduced by MPs and then taken up by government (two laws in the three sampled years). Those are indicated as initiatives stemming from government and parliament. Not surprisingly, most laws are penned by government, that is on the average 97.6% over the three years (Figure 20).

*Figure 20: Initiators of draft laws, absolute numbers & percentages, 2001-2006-2011*




Data source: Parliamentary proceedings

Parliament clearly regards law initiation as government business. Government is considered to be in charge of the resources needed in terms of expertise. But even if MPs

have a large expertise, it is difficult to find the necessary majority in the Chamber and meet the requirements of the State Council regarding the legal standards.[33]

### 2.2.2. Sources of law and transposition

After its revision in 1956 the Luxembourgish Constitution specified that the Grand Duke may create regulations and decrees which serve the execution of laws introducing international treaties (art. 37 C). Most importantly however, article 49bis[34] was established enabling the ratification of the Treaty on the European Coal and Steel Community (ECSC) and the Treaty on the European Defence Community (EDC). It rendered the devolution of executive, legislative and judiciary powers to international institutions possible. More particularly, it affords parliament to ratify international treaties, which result in a shift of sovereignty to a supranational organisation (Bicheler et al., 2006, p. 192ff; Pescatore, 2009; Schroen, 1999). Indirectly, this article is still today the basis for the transposition of directives.

Between 1986 and 2006, the largest share of the domestic regulatory output consisted in executive decrees. Only 9% of those acts were laws and thus involved parliament as a legislator. Around 4% of all regulatory acts transposed directives and 1% of it consisted

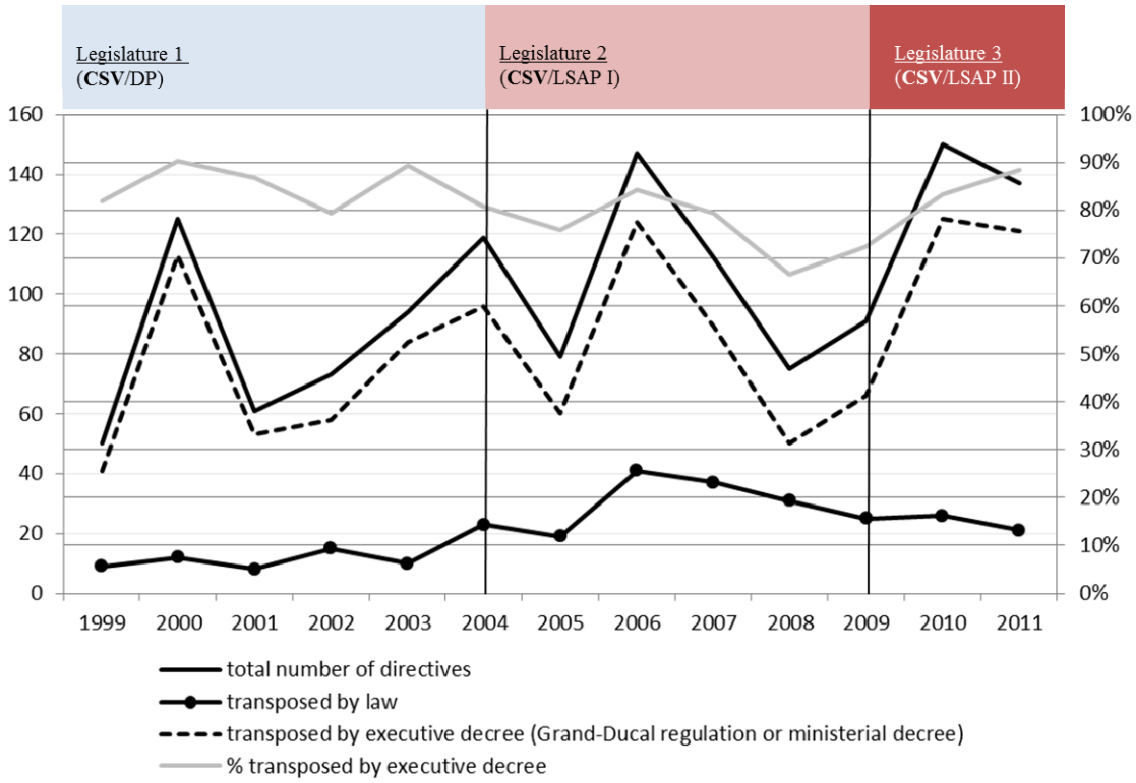
[33] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[34] Article 49bis: "L'exercice d'attributions réservées par la Constitution aux pouvoirs législatif, exécutif et judiciaire peut être temporairement dévolu par traité à des institutions de droit international." Jurisprudence: Article 49bis: "En cas de conflit entre une norme de droit interne et une norme de droit international ayant des effets directs dans l'ordre juridique interne, la règle établie par le Traité doit prévaloir. Cette règle s'impose plus particulièrement lorsque le conflit existe entre une norme de droit interne et une norme communautaire puisque les traités qui ont créé le droit communautaire ont institué un nouvel ordre juridique au profit duquel les Etats membres ont limité l'exercice de leurs pouvoirs souverains dans les domaines que ces traités déterminent." (Conseil d'Etat, 21 novembre 1984, Pas. 26, p. 174).

in laws transposing directives.[35] Although we do not dispose over exact figures for the period between 1999 and 2011, we have no reason to believe that those percentages have shifted for our period under investigation. Similarly, parliament was not concerned with most of the EU regulatory acts. At least 96% of the binding EU policy output issued between 1999 and 2011 has bypassed the Luxembourgish parliament. This is the case for regulations and decisions, which are directly applicable at domestic level and do not require transposition (compare with section 2.1.1 and Figure 8 on page 65 more particularly).

Most of the **transposition** of directives again does not imply the Chamber. It is done by government and executive decrees or by administrative measures. In case no legal base exists already or if a directive is supposed to evoke political controversies, government should introduce a bill. On the average, 82% of all directives transposed in the period under investigation were taken up in executive decrees that are Grand-Ducal regulations (RGD)[36] and ministerial regulations (RM)[37]. This percentage decreased until 2008 and augments since (Figure 21).

[35] These figures are based on the domestic policy output between 1986 and 2006. Data source : SCL
[36] Règlements grand-ducaux
[37] Règlements ministériels

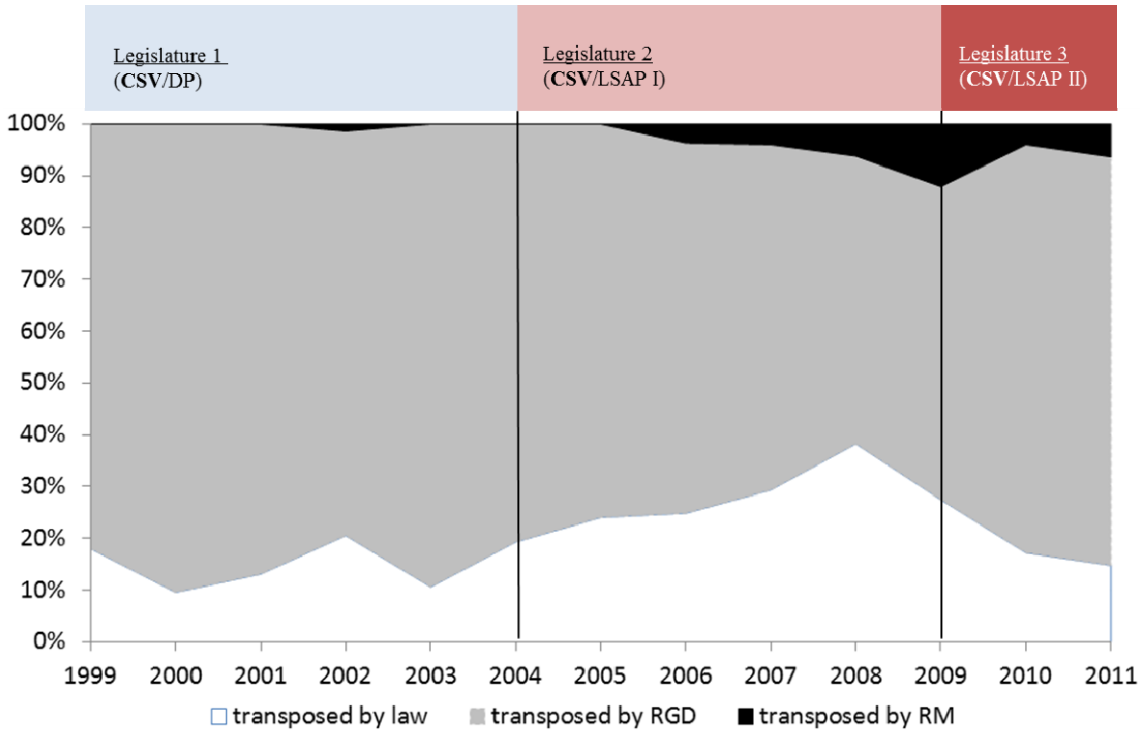
*Figure 21: Transposition directives, absolute numbers and percentages, 1999-2011*




Data source: Parliamentary proceedings and Rapports d'activités, SCL

On the average, 21% of all directives are transposed by law, while 77% of them are transposed by RGD and almost 3% of them transposed by RM. We may speak of a major increase of parliament involvement in transposition until 2008. In recent years, this percentage fell again to pre-2004 levels (Figure 22).

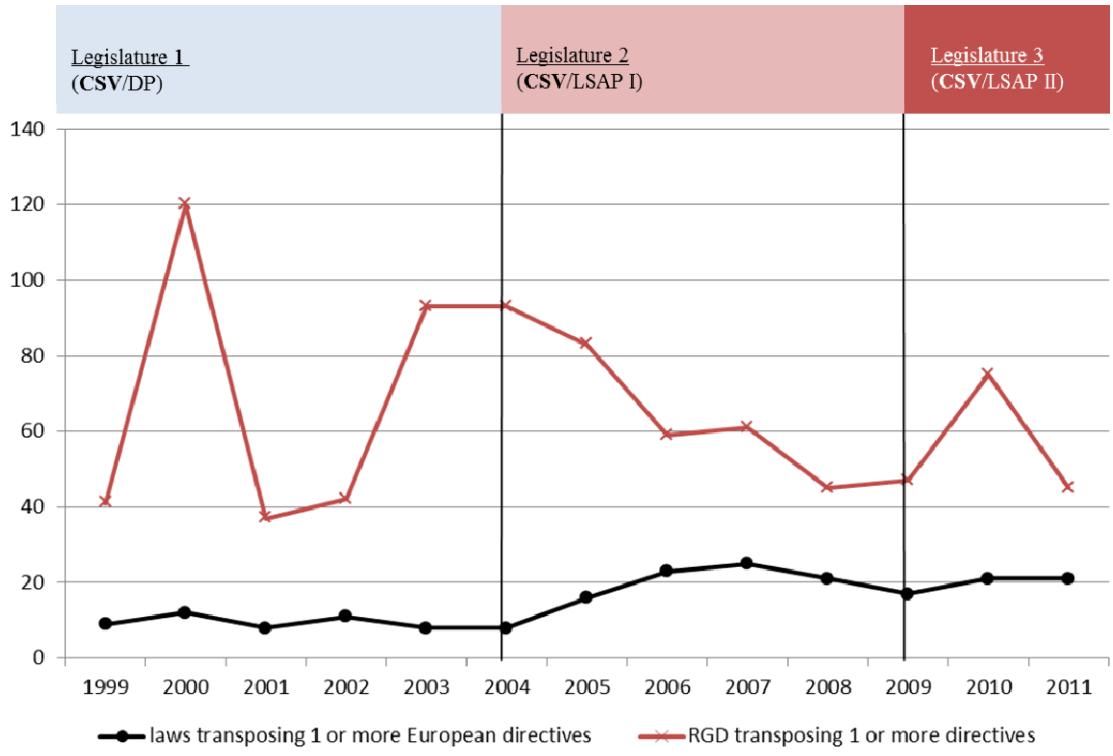
*Figure 22: Transposition instruments, percentages, 1999-2011*




Data source: Rapports d'activité, SCL

One legal act may transpose more than one directive and vice-versa one directive may be transposed by more than one act. During the period of investigation, the number of laws transposing one or more European directives has doubled. More volatility is displayed in the number of executive decrees used for the transposition of at least one directive. The trend goes however to a decrease of executive decrees transposing directives (Figure 23).

*Figure 23: Laws and executive decrees transposing directives, absolute numbers, 1999-2011*




Data source: Parliamentary proceedings and Rapports d'activité, SCL

However, the interviewees we spoke to also mentioned that government has no infinite capacities and that functionaries work on many dossiers at the same time. In complex matters, this results in a relatively late introduction of law initiatives in the Chamber. When it comes to the transposition of directives, the respective draft laws sometimes enter parliament when the transposition deadline has already passed. Parliament is then urged by the responsible minister to speedily deal with the matter, hoping for sloppy scrutiny.[38]

[38] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

Government has large discretion as to the **timing of transpositions**. Occasionally, the deadline has already passed when a transposition bill enters the Chamber. Interviewees indicate that strategy may sometimes be behind such decision. Government introduces some transposition laws very late in order to urge the Chamber to proceed very quickly and avoid a closer investigation. Others believe the scarce administrative resources, the complexity of matters or interest groups to be responsible for such late law initiatives (compare with section 4.3.2 at page 229).[39] Be that as it may, in parliament, law projects carrying the transposition of a directive are treated the same way like other law projects in the legislative procedure. However, they are often given priority, as parliament is aware of the obligation of timely transposition (compare with section 4.3.1 at page 223).[40]

In 1971, a law was adopted to facilitate transposition of potentially controversial issues.[41] It enables the government in economic, technical, agricultural, forestal, social and transport matters with the advice of the State Council and the agreement of the Conference of Presidents to circumvent the ordinary legislative procedure (Dumont and Spreitzer, 2012, p. 225; Service Central de Législation, 2010, p. 11). However, this did

[39] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[40] Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012, Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Member of the Chamber of Deputies, face-to-face interview, 14 January 2013 and Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.
[41] Mémorial A n° 59 du 06.09.1971: Loi du 9 août 1971 concernant l'exécution et la sanction des décisions et des directives ainsi que la sanction des règlements des Communautés européennes en matière économique, technique, agricole, forestière, sociale et en matière de transports and
Mémorial A n° 82 du 19.12.1980: Loi du 8 décembre 1980 complétant l'art. 1er (al. 2) de la loi du 9 août 1971 concernant l'exécution et la sanction des décisions et des directives ainsi que la sanction des règlements des Communautés européennes en matière économique, technique, agricole, forestière, sociale et en matière de transports.

not lead to the desired outcome. Article 1 of the 1971 law excludes all matters, reserved to law by the Constitution and this leaves the situation basically unchanged.[42]

The State Council in its opinions of 6 June 2012, 16 March 2004 and 19 February 2002 repeatedly considers such facilitated procedure necessary in order to guarantee a quick and correct transposition. It recommends changing article 37 of the Constitution and adding a paragraph allowing parliament to decide case-by-case whether it delegates transposition to the executive. The government expressed its favour of such a change in its position of 22 June 2011. The debate is still on-going in the Chamber at the time of submission of this thesis in January 2014.

### 2.2.3. Summary and Conclusion: Ministerial discretion at national level

This section served controlling for governmental discretion at domestic level in order to draw conclusions about the consequences of change of governmental discretion at EU level. **Government discretion at domestic level** may be measured by the number of laws it initiates and the number of directives it introduces as executive decree rather than as a law. The rules on the initiation of laws do not change during the period under investigation. The general amount of laws has however increased between 1999 and 2011. Around 98% of them are initiated by government and all three coalitions have held this practice the same way.

[42] Art. 1, loi du 9 août 1971: "*Seront toutefois exceptées de cette réglementation, qui peut déroger aux lois existantes, les matières réservées à la loi par la Constitution.*" Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.

For MPs, law initiatives require resources and competencies often not at their hands. Law propositions thus have a signalling rather than a policing function. Similar is known for Italy and Belgium, and more generally in Western Europe. Mattson claims that they are often introduced by small opposition parties at the most visible stage of the legislative procedure indicating "*concurrence of government, parliament and opposition in the law-making process*" (Mattson, 1995, p. 481). Initiatives may be seen as resources of individual MPs employed to influence and negotiate decisions (Di Palma 1977, 59 as cited in Mattson 1995, 482).

The **State Council** influences the destiny of initiatives. It must confirm every initiative not to break constitutional law, conventions, treaties and general principles of law. It may not be seen as apolitical although its role became more of an advisory body in recent years.

In any case, the initiator of a bill does not necessarily tell about the author (Mattson, 1995, p. 454). Initiators of an initiative may also act on behalf of the party, an interest group or the public. The actual origin of law initiatives is difficult to determine. What we were able to demonstrate, however, is that government disposes over a rather large discretion at domestic level and this situation has not changed during the period of investigation.

This is however not the full story. Government has to face some external constraints. It is not totally free when it comes to law initiation. The transposition of EU directives into

the national legal order requires respective action. The government has to consider the instrument to be used for the transposition. If a basic law exists the transposition may be done by executive decree. Otherwise, a law needs to be initiated or an existing law changed.

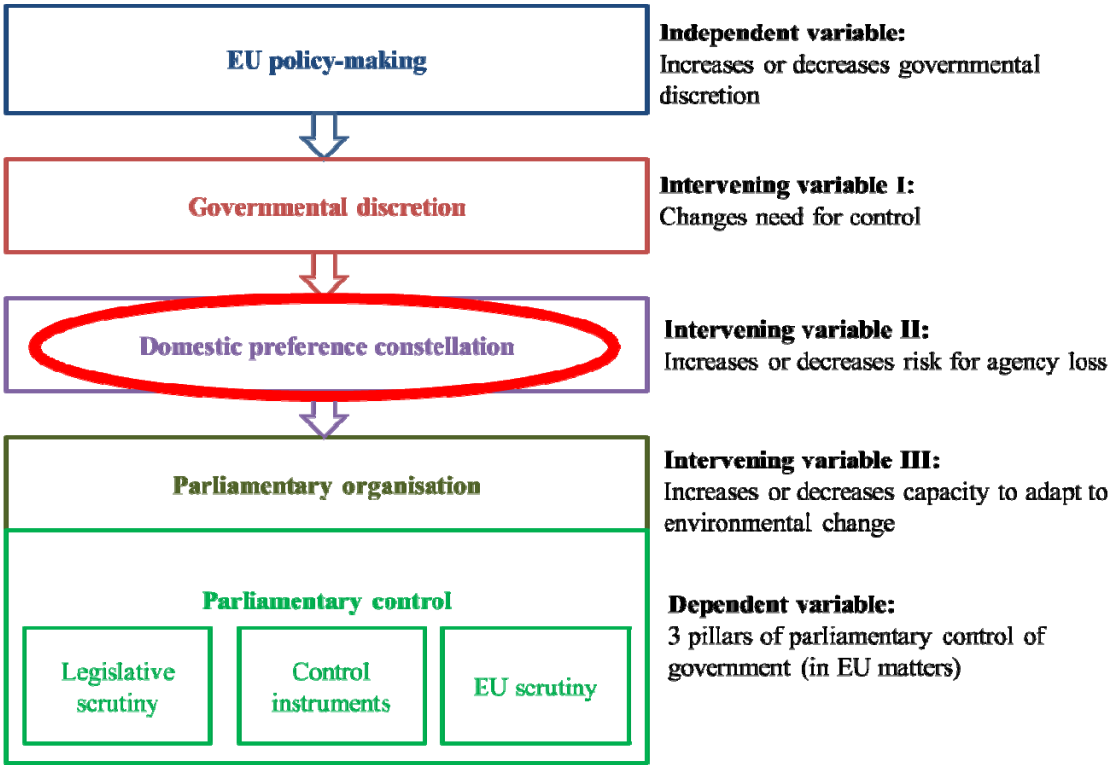
Generally speaking, at least 96% of all binding EU regulatory output bypassed NPs between 1999 and 2011. With regard to directives, we note an increase of transposition including parliament. The amount of laws compared to the amount of executive decrees transposing a directive has increased during our period of investigation. While their number is very small, the share of transpositions by law increased between 1999 and 2008, just to fall back to prior-2004 levels in 2010. The number of directives transposed by executive decree remains nonetheless overwhelming, ambiguous concerning the choice of legal instrument and uncontrolled. It is entirely up to government to decide upon the measure it uses for transposition.

## *2.3. Risk for ministerial drift: Governmental preferences and parliament*

Depending on the domestic context, government is "*perceived*" within a NP. Not only the discretion of ministers may provoke NP to better scrutinise government. Also differences between the preferences of principals and agents increase the need for tougher control. Depending on the position of government vis-à-vis parliament (Lupia, 2000) and the coalition partners respectively (Martin and Vanberg, 2011) parliamentary control is considered more or less necessary. The further away the positions of ministers from

parliament and the coalition partner, the more probable we would consider a strengthening of parliamentary control. In our model of enquiry, the domestic preference constellation thus influences the need for adapting parliamentary control (Figure 24).

*Figure 24: The model of enquiry - Domestic preference constellation*




Before investigating party positions in more detail, we outline the constitutional setting of parliamentary democracy in Luxembourg with a focus on the executive-legislative relationship. We point to changes in the constitutional rules with possible impact for the relationship between parliament and government.

### 2.3.1. The Luxembourgish political landscape: The constitutional set-up of parliamentary democracy and coalition government

The Luxembourgish Constitution defines the political system of the country as a parliamentary democracy (art. 51 C) in form of a constitutional monarchy. The Chamber was designed a unicameral parliament, which with its 60 members[43] is among the **smallest NPs in the EU**. Many aspects of state organisation follow the Belgian model (Beissel, 2006). The country was however considered too small for a bi-cameral parliament. The **State Council** "*somewhat compensates for the lack of a second chamber"* (Dumont and Spreitzer, 2012, p. 217). Political elites considered that the country was too small for a bicameral system (Dumont and Spreitzer, 2012, p. 217; Schmit, 2009, p. 60).

However, as Schroen (2008, p. 115) points out, the State Council is a non-elected body and its tasks are other than that of a Senate.[44] It had to face limitations of its competences. Until the constitutional reform of 1996, it also fulfiled judiciary functions in administrative matters. After a judgment by the European Court for Human Rights,[45] an Administrative Court was created. At the same time to this limitation of powers, the State Council was reinforced in its advisory role. A Constitutional Court was created in 1996 in order to check the constitutionality of laws a posteriori (Schroen, 2008). Since, the main

[43] Before 1988, the number of MPs varied as it was dependent on the size of population.
[44] Although its aims might go into this direction: We may read in its activity reports that State Council representatives take part of meetings of European Senates. See for instance "Activités pour l'année 2010-2011", where it mentions its observer status in the Association of European Senates. http://www.conseil-etat.public.lu/fr/actualites/2012/03/Rapdact__10_11/Rapport_d_activit___2010-2011.pdf, last access: 29.12.2013.
[45] Procola v. Luxembourg, European Court of Human Rights, 28 September 1995.

task of the State Council is to a priori check the constitutionality of laws and their accordance to superior law, that is international agreements and general legal principles.[46]

The Grand Duke and government together form the **executive**. The Grand Duke may dissolve the Chamber (art. 74 C). He is symbol of national unity and politically irresponsible (art. 33 C). His signatures have to be counter-signed by a member of government (art. 45 C). Thus, the Constitution guarantees that the Grand Duke stays out of the political debates and even more so since the **constitutional crisis of 2008 and its subsequent revision of March 2009**. Then he was withdrawn his duty to sanction laws after parliamentary adoption. This purely formal obligation was interpreted by the Grand Duke as agreement to the content of laws, similar to parliamentary approval.

Before parliament adopted the **law on euthanasia**[47] the Grand Duke thus threatened to refuse sanction.[48] In the case of such a refusal, government had to resign. As a consequence, the government initiated a law revising Article 34 of the Constitution[49] in order to further clarify his political irresponsibility by withdrawing his right for sanction. This should ensure the role of the Grand Duke as guarantor of national unity.

[46] "S'il estime un projet ou une proposition de loi contraire à la Constitution, aux conventions et traités internationaux, ainsi qu'aux principes généraux du droit, le Conseil d'Etat en fait mention dans son avis. Il en fait de même, s'il estime un projet de règlement contraire à une norme de droit supérieure." art. 2(2), Loi du 12 juillet 1996 portant réforme du Conseil d'Etat.
[47] Loi du 16 mars 2009 sur l'euthanasie et l'assistance au suicide. Mémorial A n°46 du 16.03.2009.
[48] Interestingly, similar happened in Belgium 19 years before the Luxembourg incident. In 1990, the Belgian King Baudouin refused to sanction the law which partially exempted abortion from punishment. The solution they found to let the law enter into force was however not applicable in the Luxembourg case (Bicheler et al., 2006, p. 151).
[49] Loi du 12 mars 2009 portant révision de l'article 34 de la Constitution. Mémorial A n° 43 du 12.03.2009.

What is more, the constitutional revision has clearly disposed the Grand Duke of an unclear set of responsibilities which blur the **separation of executive and legislative powers**. Since the 2008 constitutional reform, a law is established by its adoption in parliament. Today, parliament alone holds the legislative power. The Grand Duke is limited to sign laws at least three months after their adoption in parliament. The crisis has triggered a more profound reform process of the Constitution, most importantly with regards of the monarchy. Parliament is set to benefit from the revision which is not yet concluded at the time this study has been accomplished.[50]

The Grand Duke remains head of government which is composed of at least three members (art. 76 C). The **constitutional revision of November 2004** enables him to charge members of government with executive measures foreseen in Articles 36 and 37 C, and even deviating existing law in case of an international crisis (art. 32 C). The irresponsibility of the Grand Duke is compensated by the responsibility of the members of government (art. 78 C). They may enter the Chamber and the Chamber may ask their presence (art. 80 C). It is also foreseen in the Constitution, that the Chamber may accuse government members while details are supposed to be ruled out by law (art. 82 C). As no such law has been put into place, a transitory provision still applies (art. 116 C) which gives the Chamber discretionary power to exert this "*right of accusation*".

Luxembourg's **governments** are characterized by their durability and were always composed of two parties, apart from the Dupong all-party-government installed after the

[50] 6030 - Proposition de révision portant modification et nouvel ordonnancement de la Constitution, http://www.chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&backto=/wps/portal/public&id=6030, last access: 6.1.2014.

end of World War II. In all but one cases[51], the Christian Social People's party (CSV) was senior partner of the coalition and set the Prime Minister. In 2011, Prime Minister Jean-Claude Juncker was in office since sixteen years, when his predecessor Jacques Santer took over the post of the European Commission president in 1995. Since 1945, there were two anticipate elections due to government crisis in 1959 and 1968 and two coalition breakdowns which did not lead to anticipated elections but resulted in a change of government.

Between 1999 and 2011, three coalition governments were in place. From **1999 to 2004**, the Liberals joined the CSV as a junior partner. Lydie Polfer became Vice-Prime Minister and Minister for Foreign affairs and External commerce, Minister for the Public service and Administrative reform. Out of the fourteen ministers, the Liberals held seven, among them two Secretaries of State (Table 4).[52] Those were installed in portfolios of ministers of the same party (public service and administrative reform as well as environment). However, the CSV and Prime Minister Jean-Claude Juncker more particularly, denied the two State secretaries the right to vote in the Council of government. Thus, they were not delegated competences but signature only.[53]

[51] The exception was the Thorn/Vouel/Berg government of Liberals and Socialists between 1974 and 1979.
[52] Member of the European Parliament, telephone interview, 26 March 2013.
[53] This was not compliant to the executive decree of 1857 on the organisation of government. Arrêté royal grand-ducal du 09 juillet 1857 portant organisation du Gouvernement grand-ducal. Mémorial n°25 du 16 juillet 1857, p.285. Official of the State Council, written statement, 22 November 2013.

*Table 4: Portfolio allocation in the Juncker/Polfer government (CSV/DP), 1999-2004*

| Name | Portfolio |
|---|---|
| 1 Jean-Claude Juncker (CSV) | 1 Prime minister<br>2 Minister of State<br>3 Finance Minister |
| 2 Fernand Boden (CSV) | 4 Minister for agriculture, viticulture and rural development<br>5 Minister for the medium-sized businesses, tourism and housing |
| 3 Marie-Josée Jacobs (CSV) | 6 Minister for family, social solidarity and youth<br>7 Minister for the promotion of women |
| 4 Erna Hennicot-Schoepges (CSV) | 8 Minister for culture, higher education and research<br>9 Minister for public works |
| 5 Michel Wolter (CSV) | 10 Internal affairs minister |
| 6 Luc Frieden (CSV) | 11 Treasury and budget minister<br>12 Justice minister |
| 7 François Biltgen (CSV) | 13 Minister for work and employment<br>14 Minister for the cults<br>15 Minister for the relations with parliament<br>16 Deputy minister for communication |
| 1 Lydie Polfer (DP) | 1 Vice prime minister<br>2 Minister for foreign affairs and external commerce<br>3 Minister for the public service and administrative reform |
| 2 Joseph Schaack (DP) | (3) Secretary of State for the public service and administrative reform |
| 3 Anne Brasseur (DP) | 4 Minister for national education, vocational training and sport |
| 4 Henri Grethen (DP) | 5 Minister for economy<br>6 Transport minister |
| 5 Charles Goerens (DP) | 7 Minister for cooperation, humanitarian aid and defence<br>8 Environment minister |
| 6 Eugène Berger (DP) | (8) Secretary of State for environment |
| 7 Carlo Wagner (DP) | 9 Minister for health and social security |

Source: Thewes (2011, p. 233)

Between 2004 and 2009, the CSV went back to its former coalition partner, the LSAP. The **Juncker/Asselborn I** government installed fifteen ministers. With the exception of the change of the defence portfolio from Frieden to Schiltz, the structure of the government remained the same over the whole period. The Socialists could secure only six out of the fifteen ministers, and eight out of 27 portfolios. Three portfolios were attributed "*helpers*". Nicolas Schmit became Deputy Minister for Asselborn's external affairs and immigration ministry. Octavie Modert held even three State secretary portfolios, one for the relations with the parliament for which she was responsible alone.

She supported Fernand Boden in the area of agriculture, viticulture and rural development and François Biltgen with culture, higher education and research (Table 5).

*Table 5: Portfolio allocation in the Juncker/Asselborn I government (CSV/LSAP I), 2004-9*

| Name | Portfolio |
|---|---|
| 1 Jean-Claude Juncker (CSV) | 1 Prime minister<br>2 Minister of State<br>3 Finance Minister |
| 2 Fernand Boden (CSV) | 4 Minister for agriculture, viticulture and rural development<br>5 Minister for the medium-sized businesses, tourism and housing |
| 3 Marie-Josée Jacobs (CSV) | 6 Minister for family and integration<br>7 Minister for equal opportunities |
| 4 Luc Frieden (CSV) | 8 Treasury and budget minister<br>9 Justice Minister<br>10 Defence minister |
| 5 François Biltgen (CSV) | 11 Minister for work and employment<br>12 Minister for culture, higher education and research<br>13 Minister for the cults |
| 6 Jean-Marie Halsdorf (CSV) | 14 Minister for internal affairs and spatial planning |
| 7 Claude Wiseler (CSV) | 15 Minister for the public service and administrative reform<br>16 Minister for public works |
| 8 Jean-Louis Schiltz (CSV) | 17 Minister for cooperation and humanitarian aid<br>18 Deputy minister for communication |
| 9 Octavie Modert (CSV) | 19 State secretary for the relations with parliament<br>(4) State secretary for agriculture, viticulture and rural development<br>(12) State secretary for culture, higher education and research |
| 1 Jean Asselborn (LSAP) | 1 Vice prime minister<br>2 Minister for foreign affairs and immigration |
| 2 Nicolas Schmit (LSAP) | 3 Deputy minister for foreign affairs and immigration |
| 3 Mady Delvaux-Stehres (LSAP) | 4 Minister for national education and vocational training |
| 4 Jeannot Krecké (LSAP) | 5 Minister for the economy and external commerce<br>6 Sports minister |
| 5 Mars Di Bartolomeo (LSAP) | 7 Minister for health and social security |
| 6 Lucien Lux (LSAP) | 8 Environment minister<br>9 Transport minister |

Source: Thewes (2011, p. 233)

**After the legislative elections in 2009**, the coalition government of Juncker and Asselborn found a remake. Again, the LSAP held six out of fifteen ministers. 22 portfolios went to the CSV, nine to the Socialists. The CSV attributed two deputy ministers, one for public service and administrative reform (Octavie Modert) and one for sustainable development and infrastructure (Marco Schank). Romain Schneider of the

Socialists became Deputy Minister for a solidary economy. He held this portfolio however by his own (Table 6).

*Table 6: Portfolio allocation in the Juncker/Asselborn II government (CSV/LSAP II), 2009-13*

| Name | Portfolio |
|---|---|
| 1 Jean-Claude Juncker (CSV) | 1 Prime minister<br>2 Minister of State<br>3 Treasury Minister |
| 2 Marie-Josée Jacobs (CSV) | 4 Minister for family and integration<br>5 Minister for cooperation and humanitarian action |
| 3 Luc Frieden (CSV) | 6 Finance minister |
| 4 François Biltgen (CSV) | 7 Justice minister<br>8 Minister for the public service and administrative reform<br>9 Minister for higher education and research<br>10 Minister for communication and the media<br>11 Minister for the cults |
| 5 Jean-Marie Halsdorf (CSV) | 12 Minister for the Grand region<br>13 Defence minister |
| 6 Claude Wiseler (CSV) | 14 Minister for sustainable development and infrastructure |
| 7 Octavie Modert (CSV) | 15 Culture minister<br>16 Minister for the relations with parliament<br>17 Minister for administrative simplification alongside the Prime minister<br>(8) Deputy minister for the public service and administrative reform |
| 8 Marco Schank (CSV) | 18 Minister for housing<br>(14) Deputy minister for sustainable development and infrastructure |
| 9 Françoise Hetto-Gaasch (CSV) | 19 Minister for small and medium enterprises and tourism<br>20 Minister for equal opportunities |
| 1 Jean Asselborn (LSAP) | 1 Vice prime minister<br>2 Minister for foreign affairs |
| 2 Mady Delvaux-Stehres (LSAP) | 3 Minister for national education and vocational training |
| 3 Jeannot Krecké (LSAP) | 4 Minister for the economy and external commerce |
| 4 Mars Di Bartolomeo (LSAP) | 5 Minister for health and social security |
| 5 Nicolas Schmit (LSAP) | 6 Minister for employment, work and immigration |
| 6 Romain Schneider (LSAP) | 7 Minister for agriculture, viticulture and rural development<br>8 Sports minister<br>(9) Deputy minister for a solidary economy |

Source: Thewes (2011, p. 233)

Thus, State Secretaries and Deputy ministers were not installed to work as watchdogs of the coalition partner, but to support the own minister. In their place, a high functionary may fulfil the same obligations.

The three coalition governments at place within the period between 1999 and 2011 certainly resembled each other in their structure although the junior partners of the CSV changed from the DP to the LSAP. The Juncker/ Polfer as well as the Juncker/Asselborn I governments granted their junior partners five ministers (excluding State secretaries of supportive function), while the CSV held seven ministers in the first and eight in the second legislature (respectively nine including State Secretary Modert with a proper portfolio). Within the most recent coalition, the LSAP had a slightly better stance with six ministers out of fifteen.

The total number of ministers remained relatively stable, but we may observe an increase in the number of separate ministerial portfolios from 25 during the Juncker/Polfer government to 27 during the Juncker/Asselborn I and 29 during the Juncker/Asselborn II governments. The CSV held sixteen, nineteen and twenty portfolios respectively. Thus, out of the three, the Polfer DP was slightly better off, with around 36% of portfolios belonging to the Liberals, while Asselborn could only secure 30% and 31% of the portfolios for the Socialists.

Those figures point to a slight weakening of the respective junior coalition partner of the CSV although the electoral results were comparable (in 1999 the DP won 22.35% and fifteen seats, and the LSAP 23,37% or 14 seats in 2004 and 21,56% or 13 seats in 2009). In terms of the domestic political constellation, we may thus conclude that conflicts within government have increased due to the weakening of the junior partner, who must be unsatisfied with the situation. In total however, the majority of government in the

Chamber increased from 34 seats to 38 in 2004 and 39 in 2009. As such, the mostrecent coalition government only missed one vote in the full assembly in case a two-third-majority is required, that is for constitutional revisions (art. 114 C).

Luxembourgish governments dispose over large resources when it comes to **expertise**. They alone may charge the Economic and Social Council (CES)[54] and the Social security administration (IGSS)[55] with the examination of particular problems. Similarly, government may get the Tripartite involved, which was introduced to bypasses the CES. The Tripartite more particularly puts the Chamber under pressure with ready-made package deals.[56] Notably, to change an agreement between the trade unions, employers' representatives and the government is very delicate, as this risks the failure of the bargain in case the negotiation result becomes unbalanced.

Finally, it should not be forgotten within this context that government largely consists of the most popular figures of governing parties (Reimen and Krecké, 1999, p. 51ff). This gives ministers additional legitimacy for their action. The popularity of ministers, together with the increase of majority seats in parliament and the disposal over external expertise make up for the strength of government. At the same time, this ensures trust and support of parliament.

[54] Conseil Economique et Social
[55] Inspection générale de la sécurité sociale
[56] Official of the State Council, face-to-face interview, 3 October 2013.

### 2.3.2. Party positions and expected agency loss

**Party programmes** offer one way to measure the positions of parties represented in parliaments. To this end, we analyse data stemming from the Party Manifesto Project (PMP)[57] which published data for the Luxembourgish parties represented in the Chamber and from 1945 up to the latest elections. Although it was contested (see for instance Dinas and Gemenis, 2010; Franzmann and Kaiser, 2006; Pelizzo, 2010), the advantage of using this data is its availability, completeness for all parties represented in parliament and comparability for an extended period in time.

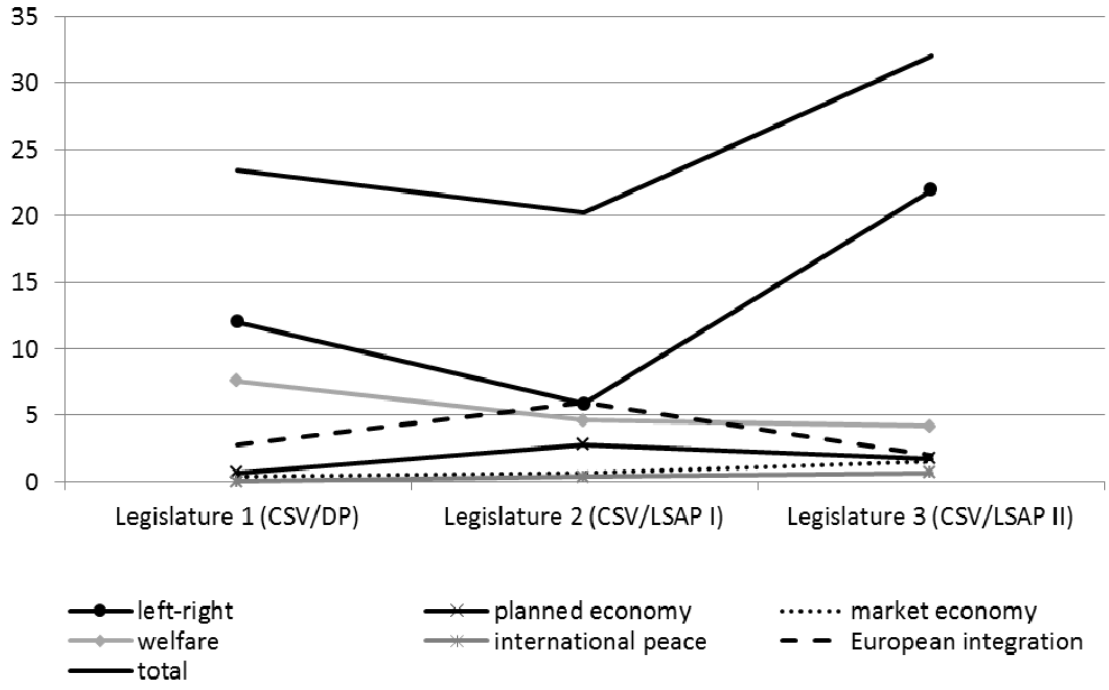
In order to arrive at an evaluation of the differences in preferences between government and parliament, and the coalition partners respectively, we use the indices contained in this data concerning the position of parties on six dimensions: Left-right, planned economy, market economy, welfare, international peace and European integration. We compare those measures in the electoral programmes issued for three elections leading to the installation of the three different coalition governments in place between 1999 and 2011: the June 1999, 2004 and 2009 elections. In sum, our calculations are thus based on 16 party programmes, with five parties represented in the Chamber after the 1999 and 2004 elections, and six after the 2009 elections.

The first analysis we perform concerns the **preference differential between the coalition partners**. Following Martin and Vanberg (2011), parliamentary control increases if the coalition partner expects agency drift. When it comes to the three governments under investigation in this study, the Juncker/Asselborn II government

[57] https://manifesto-project.wzb.eu/, last access: 31 December 2013.

shows the largest difference taken together all six indices. This difference is due to preferences concerning the left-right dimension. Interestingly, this did not show for the Juncker/Asselborn I government, although the same parties were in government. Instead, the differences in the preferences regarding European integration ranked high. The position of the Juncker/Polfer government, bringing together the Christian democrats and the Liberals, is situated between the Juncker/Asselborn governments when it comes to the total differential of preferences. Similar to the 2009 government, left-right divides this government most, followed by welfare policy and European integration (Figure 25).

*Figure 25: Absolute differences between preferences of coalition partners, 1999-2004-2009*




Data source: Party Manifesto Project

It is trickier to calculate the differences in preferences between opposition and government, not least, as the expected agency loss depends on the party providing a minister. In order to avoid an underestimation of a preference differential, but taking into account collegial decision-making in the Council of government, we propose using the sum of the absolute difference of an opposition party to each of the government parties on each of the indices.

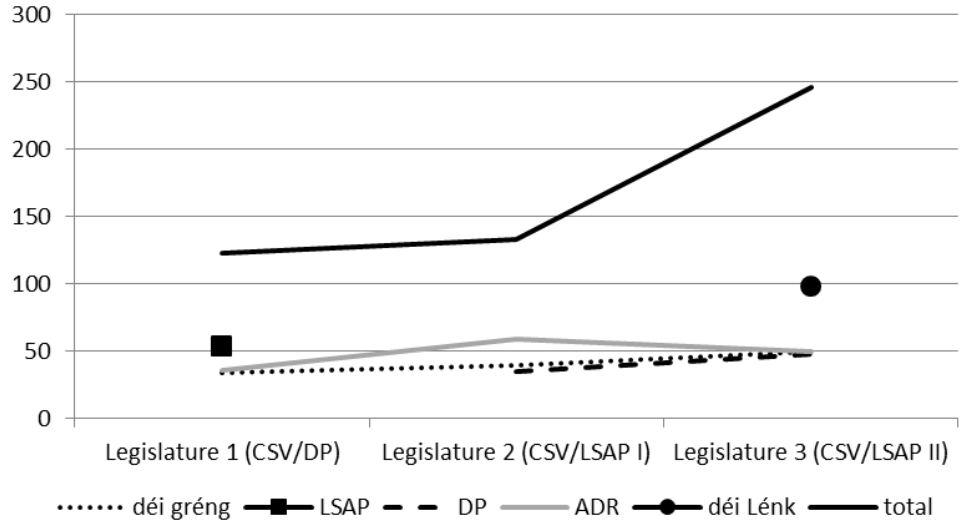
It shows that the LSAP was the opposition party holding the greatest distance to government in 1999. In 2004, the Democratic Reform Party (ADR)[58] took over this position, while the Greens and the Liberals are closer to government. This picture changes again in 2009, when all the three opposition parties keep similar distances to the governing coalition. If they are represented in parliament, the Left (déi Lénk) take over the most extreme position on all dimensions. Taken across all parties, the differences in the positions of opposition and government remain at similar levels for the Juncker/Polfer and Juncker/Asselborn I governments. They increase with the last government, not least, because of the presence of the Left in parliament (Figure 26).

Opposition parties do not enjoy the high importance this first figure would suggest. In a second step, we weight each party position by the relative weight a faction enjoys in parliament. This gives justice especially to the last legislature, when déi Lénk entered parliament with one MP. While the Juncker/Asselborn II government saw an increase in opposition in parliament compared to its starts in 2004, it did not reach exceptionally high

[58] Alternativ Demokratesch Reformpartei

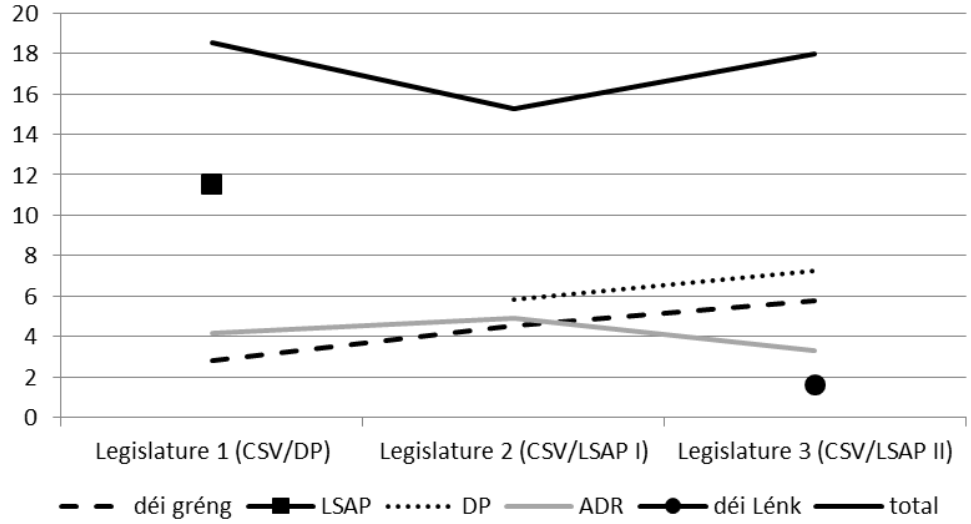
levels. Compared to the Juncker/Polfer government, it rather faces less opposition. The LSAP was dominantly defending its position in the 1999-2004 legislature (Figure 27).

*Figure 26: Sum of absolute differences of opposition parties to each of the government parties on six dimensions, 1999-2004-2009*




Data source: Party Manifesto Project

*Figure 27: Weighted sum of absolute differences of opposition parties to each of the government parties on six dimensions, 1999-2004-2009*

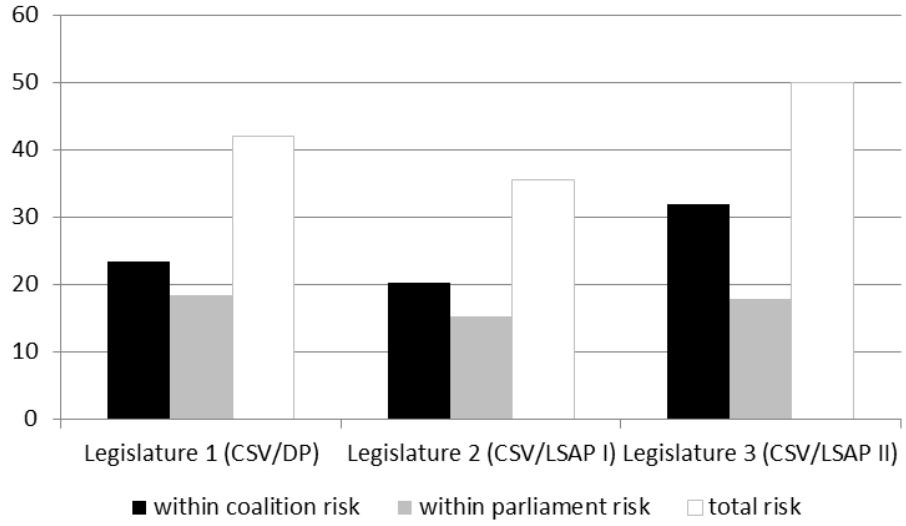



Data source: Party Manifesto Project

Finally, we calculate the overall risk for discretion as the sum of the policy positions between the coalition partners and between parliament and government parties. While the within coalition risk and the within parliament risk diminish for about the same amount between Legislature 1 (CSV/DP) and 2 (CSV/LSAP I), the within coalition risk disproportionally increases in Legislature 3 (CSV/LSAP II). Thus, a U-shaped pattern appears with Legislature 2 (CSV/LSAP I) facing least the risk and Legislature 3 (CSV/LSAP II) the most. The higher the risk, the more should parliament increase its overview of government. Due to the assumption of a positive relationship between risk and parliamentary control, we expect parliamentary control to be the highest in

Legislature 3 (CSV/LSAP II), followed by Legislature 1 (CSV/DP) and the smallest for Legislature 2 (CSV/LSAP I) (Figure 28).[59]

*Figure 28: Risk of delegation in Legislatures 1 to 3*




### 2.3.3. Summary and conclusions: An evaluation of the risk for ministerial drift

The constitutional revision of 2008 has improved the **separation of executive and legislative powers**. Today, laws are established by its adoption in parliament which alone holds the legislative power. The Grand Duke on the contrary was limited to sign laws at least three months after their adoption in parliament. The deletion of the Grand Ducal sanctioning right has formally improved the standing of parliament.

[59] The within coalition risk is in principle smaller than the risk within parliament, that is the differences between all parties in parliament to the parties in government. However, as we have weighted the within parliament risk by the share of seats of parties, it displays smaller in Figure 28. This does however not disturb the evidence, not least, because each one of the coalition parties may quit government. The share of seats of governing parties in parliament is thus not important with this respect.

The size of governing parties in parliament has increased with every election between 1999 and 2011. In addition, government disposes over a large pool of resources which improves their expertise through external consultative bodies, such as the Economic and Social Council (CES)[60] and the Social security administration (IGSS)[61] for instance. Furthermore, it consists of the most popular figures of the governing parties (Reimen and Krecké, 1999, p. 51ff).

Those advantages government has vis-à-vis parliament have been limited by the fact that the coalition partners of the Christian Social People's Party (CSV) have become worse off over time. An investigation of the **domestic political constellation,** in terms of portfolio allocation, revealed that conflicts within government have increased due to the weakening of the junior partner of the three coalition governments in place during the period under investigation.

The aim of the analysis on **party positions** was to better estimate the risk of agency loss in case of weak parliamentary control. We thus take account of Lupia's "*reversion points"* which represent the status quo of a policy and the preferences of principals to delegate and agents to moral hazard. Although data on policy preferences of ministers, governments and MPs on policies is generally missing, we delineate policy preferences from the electoral programmes of parties represented in government. Differences in the so expressed positions between government and opposition and the coalition partners

[60] Conseil Economique et Social
[61] Inspection générale de la sécurité sociale

respectively allow us to estimate the importance of ministerial discretion and a risk of ministerial drift.

While the Constitution has limited the powers of the Grand Duke in 2008 as one part of the legislative in favour of parliament, this is only an adjustment of old rules to modern democracy and the practice of lawmaking. The Luxembourgish governments as main part of the executive are however characterised by their long duration and stability which is one sign of governmental strength (Lijphart, 1999, p. 129). What is more, during the whole period of investigation (and before) the CSV was always senior coalition partner holding a large majority of portfolios. Thus, while the junior coalition partner changed, the possibilities to control the senior coalition partner did not change, not least, because the electoral gains of the Liberals and the Socialists were comparable and junior and senior minister keep the same party affiliation. As Martin and Vanberg (2011) propose, coalition partners may instead scrutinise each other during the legislative process.

In order to calculate **policy preferences** of the Luxembourgish parties, we use the data from the Party Manifesto project (PMP). We are aware of the limits of this data in terms of its invariance between elections but may unfortunately not draw on other sources, such as the Policy agenda datasets established in other countries.

Comparing the policy positions of coalition partners, we find the largest differences for the Juncker/Asselborn II coalition and the smallest one for Juncker/Asselborn I. Those differences are due to changes on the left-right dimension and indicate that the level of

conflict within government increased. As policy preferences differ more, control is more necessary. Thus, we may expect an increase in parliamentary control after 2009.

The opposition on the other hand has increased during the last legislature when déi Lénk entered parliament. In terms of policy preferences, the range of positions thus increased. However, weighted by their relative importance in parliament and thus taking account of the practical influence of opposition parties, the differences in policy preferences increased in 2009 compared to 2004, and went back to the level of 1999. Altogether, we may thus expect the highest legislative scrutiny in the most recent legislature, that is between 2009 and 2011 (Legislature 3), followed by the period between 1999 and 2004 (Legislature 1). The least risk of agency loss is visible in the period between 2004 and 2009 (Legislature 2).

## *2.4. Summary and conclusions: Governmental discretion and risk for delegation*

This chapter has been concerned with the possibility of governmental discretion and consequently the necessity seen by parliament to reinforce scrutiny. The aim was to examine whether the developments between 1999 and 2011 suggest an increase need for parliamentary control, considering policy initiation in EU and domestic matters, voting weights in the Council of the EU and the perceived risk by parliament of agency loss. In this way, we purpose evaluating the foundations of the arguments drawn on by the supporters of the abdication thesis. On the one hand, we considered those aspects of policy initiation which are likely to affect the influence of ministers on policy-making at

European level as well as domestic level. On the other hand, we dealt with the characteristics of parliament that are argued to shape the perception of government and the coalition partner. This distinction is adopted to take account of both factors guiding agency loss: Information asymmetry and reversion points. Information asymmetry is gained by agents involved in specialised and secretive negotiations about policy initiatives. Reversion points, representing the status quo of a given policy serve as reference points for principals when deciding to delegate or not policy initiation.

First, we considered the deepening and widening of European integration which is suggested to increase the discretion of ministers. To begin with, we found that at least 96% of the binding EU regulation bypassed the Chamber in the period under investigation. In the more recent years, and since 2006 more particularly, the annual EU regulatory output decreased. Opposing trends are guiding the power of the Council and individual ministers at EU policy initiation. For the Council as an institution, we find an increase of its relative importance expressed by a stable amount of acts it issued between 1999 and 2011. The Commission remains the main regulator in purely quantitative terms, but it may adopt only technical tertiary acts, and those have diminished in the period under investigation. The decrease of tertiary regulations mainly accounts for the decrease in EU regulatory output. In relative terms, this resulted thus in a rise of the relative importance of the Council.

Individual governments on the other hand have lost importance. With the introduction of the Lisbon treaty the number of Comitology acts, which are under the control of Council

working groups, has dropped and the say of the EP on delegated acts increased. QMV in the Council has been extended to further policy areas and already with the Treaty of Nice in 2003. Enlargement furthermore has decreased individual governments' influence in the Council, most importantly in 2004, when 10 new member states entered the EU. We conclude that the developments at EU level may seem to increase ministerial discretion for external observers taking into account only policy output, but result in a de-facto loss of power of governments. Ministers are less able to follow a particular agenda as the outcome decision-making has become more unsecure. An index of discretion of ministers at EU level supports this argument: Based on the number of Council acts and weighted by the voting power of Luxembourg in the Council, the discretion index falls at lower level in 2005.

Then we examined the sources of laws at domestic level. **Policy initiation** is one main task delegated to government at domestic level. The discretion of ministers depends firstly on the number of laws initiated. In terms of the constitutional and legal rules on the **initiation of laws**, we observe no major change during the period under investigation which could account for a change in delegation or ministerial discretion. Around 98% of all laws are constantly initiated by government. The low resources at hands of MPs attribute them a minor role in law initiation.

Given constraints in time and capacity, domestic law initiation is limited by laws originating in the supranational context, but require transposition in the domestic legal order, eventually threatening financial and other sanctions. Still, government has some

discretion in the choice of instruments and the timing of such transposition acts. Thus, the number of directives it introduces as executive decree rather than as a law is another measure for governmental discretion. Although at low levels, parliament is increasingly included in the transposition procedure and may thus better check on government.

The **Luxembourgish governments** are characterised by their long duration and stability which is one sign of governmental strength (Lijphart, 1999, p. 129). The government disposes over a large pool of resources which improves their expertise. It furthermore consists of the most popular figures of the governing parties. Those factors account for the strength of government. Conflicts within government have however increased due to the weakening of the junior partner of the three coalition governments in place during the period under investigation.

A closer investigation of policy preferences has confirmed this evaluation. Although data on policy preferences of ministers, governments and MPs is not available for Luxembourg, we estimate the **risk of delegation for parliament** as a principal. To this end, we examine the policy preferences expressed in the electoral programmes of parties represented in parliament and for the legislative elections in 1999, 2004 and 2009. The Party Manifesto Project (PMP) data serves as the best proximate to account for the stances of parliamentary factions. The so expressed differences in positions between government and opposition and the coalition partners respectively allow us to estimate the importance of ministerial discretion and a risk of ministerial drift.

The within-coalition differential of policy preferences is the highest for the Juncker/Asselborn II coalition, governing as of 2009 (Legislature 3). The greatest harmony regarding the positions expressed in electoral manifestos was witnessed by the Juncker/Asselborn I (Legislature 2) government. It seems paradoxical that governments of the same party political composition differ that much between two subsequent elections. The Juncker/Polfer government (Legislature 1) ranges still between the two. At a closer look, those differences are due to changes on the left-right dimension. In times of crisis, the Socialists have shifted more to the left and thus signal a change in attitude. Hence, the level of conflict within government has increased. As policy preferences differ more, control is more necessary. Thus, we may expect an increase in legislative scrutiny by the coalition partner since 2009.

The **range of positions** expressed within parliament has increased due the Left (déi Lénk) entering the Chamber in 2009 as sixth party. Taking account of the practical influence of opposition parties by weighting policy preferences by the share of seats of a faction shows that the risk for agency loss went up in 2009 and arrived at a level comparable to 1999. Taken together, we thus expect the highest legislative scrutiny in Legislature 3 (CSV/LSAP II), followed by Legislature 1 (CSV/DP). The least risk of agency loss is visible in Legislature 2 (CSV/LSAP I), that is in the period between 2004 and 2009.

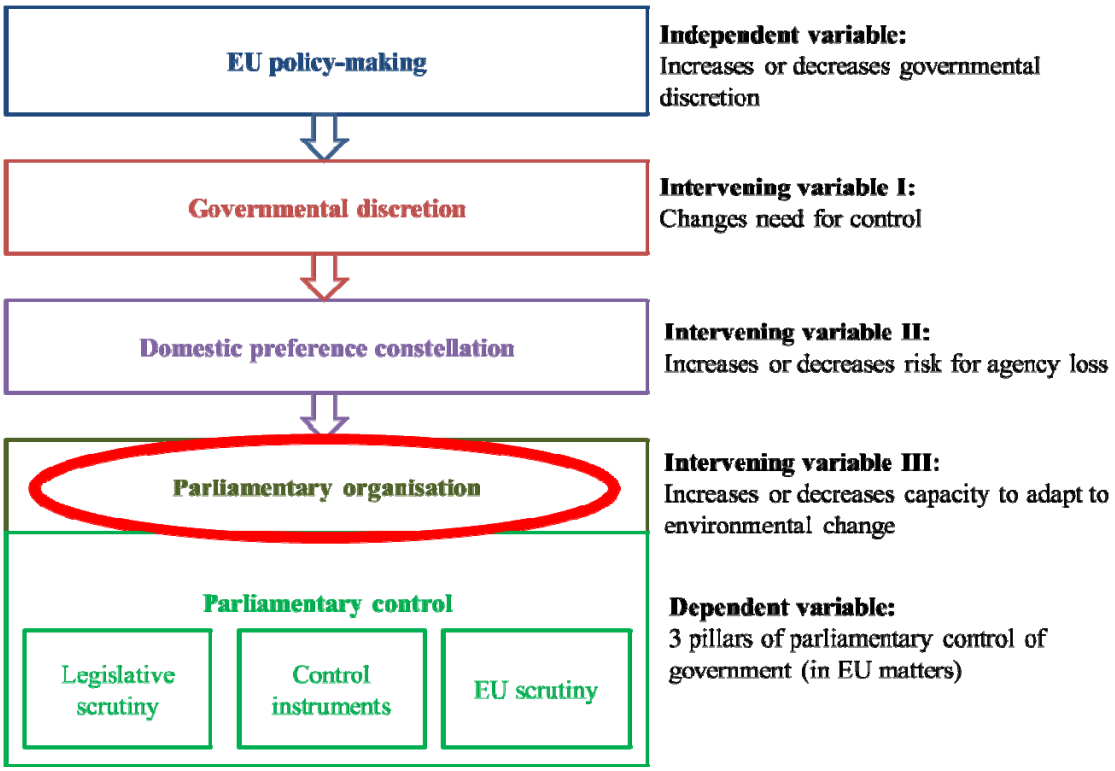
The **policy output** has increased between 1999 and 2011. Many of the interviewees explain this increase with the increase of EU policy output which needs transposition. This interpretation reveals erroneous, seen that already since 2006 transposition

obligations have diminished in absolute terms. The inclusion of parliament in the transposition of EU directives has however increased and reached its peak in 2008. The number of directives dealt with in parliament per year remains however small and may not account for the overall increase in policy output. It reaches an average of 16 laws per year for the whole period, which is around 13% of all laws.

# Chapter 3. Scrutiny potential through parliamentary committees

**Parliaments' capacities** vary when it comes to cope with environmental change, such as the deepening and widening of European integration. The internal organisation of parliament is one **necessary condition** determining the quality of parliamentary control more generally. In our model of enquiry, it represents an intervening variable, which influences how European integration pressures are dealt with (Figure 29). The tighter parliament is institutionalized, the larger its ability to control government. Institutionalisation is specialisation and increases expertise and the efficiency of parliamentary work. The committee system is the main structural feature of NP in the EU, besides party factions. However, specialisation and expertise are created in the committees mainly. Hence, committees hold a crucial role in the parliamentary scrutiny of government (compare with Assumption 3 in section 1.1.4).

*Figure 29: The model of enquiry - Parliamentary organisation*




The **main intent** of this chapter is to perform an exploratory analysis of the value of the Luxembourgish parliament's committee system for scrutiny. Drawing on the formal parliamentary rules of committee organisation and their empirical expression in terms of committee work and committee composition, we identify changes in the committee system between 1999 and 2011, and for the three legislatures at place during this period. Hence, we firstly determine the different forms of committees established in the Chamber concerning their functions and compositions. The objective is to localise whether and where expertise establishes, which is crucial for legislative scrutiny particularly and parliamentary control more generally.

Then, we investigate rules and practices of **committee composition** and membership. The allocation of committee chairs is of utmost importance in this respect as he/she controls the committee's agenda and decision-making style. We argue that the independence of a committee from its corresponding minister is strongly related to the effectiveness of its scrutiny. The greater the expertise and self-confidence of committee work the better government may be held accountable.

In the third and final section, we take a closer look on the legislative work of permanent committees, the main **scrutinizer** of governmental bills. Their frequency of meetings and the number of laws treated by committee serve as indicators for their importance and role in the Chamber. We conclude with the elaboration of four measures for the analysis of parliamentary scrutiny and an evaluation of the framework for parliamentary scrutiny in the Chamber, and the opportunities and constraints MPs are given to investigate on ministerial discretion.

The **data** we investigated were collected from three sources: Firstly, we use official publications of the Chamber, most importantly its annual report. As committee meetings are held in private this leaves us with only limited insight on how committees work. Thanks to the permission of the committee chairs, we could attend meetings of the European affairs committee (EAC) and the Justice committee (JURI) as an observer and witness how MPs scrutinize laws, the general atmosphere in committees and their way to bargain. To complete the picture, we held interviews with six (former) committee chairs, other MPs, as well as three committee secretaries, and other staff of the Chamber where

we asked about their role in lawmaking and scrutiny. The insight we could gain allows for an evaluation of the legislative work of committees.

## *3.1. The organisation of the Chamber in committees*

Not all committees work after the same provisions. The Rules of Procedures (RoP) distinguish between permanent committees (art. 17 RoP 2007-2011, art. 16 RoP 1999-2004) and special committees (art. 18 RoP 2007-2011, art. 17 RoP 1999-2004) in first place. Articles 19-27 (RoP 2007-2011, art. 18-26 RoP 1999-2004) fix rules concerning both types of committees. The Chamber knows furthermore sub-committees of permanent committees, as well as regulatory committees, one informal type defined by its subject matter and subsequent organisation of work. Committees of enquiry as important instruments of parliamentary control are concerned with specific complaints about the dysfunction of administration or government. They are dealt with in more depth in chapter five on specific parliamentary control instruments (compare with section 5.3.2).

### 3.1.1. Permanent committees

The number and organisation of permanent committees are constituted after each election and the Chamber decides on their composition. Traditionally, they mirror the **ministerial jurisdictions**. However, there are exceptions to this rule (compare with section 3.2). They consist of five to 13 members (art. 17(2) RoP 2007-11, art. 16 (2) RoP 1999-2004). The work on draft laws is given priority (art. 21 (2) RoP 2007-11, art. 20 (2) RoP 1999-2004) to other activities a committee may exert, that is the work on motions, the

preparation of debates, the organisation of public and non-public hearings, and visits. They may also give an opinion on draft executive decrees, if the Conference of Presidents, whose assent is necessary for their evacuation, wishes so (art. 22 (1) RoP 2007-11, art. 21 (1) RoP 1999-2004).

In the beginning of every meeting, committee chairs check the presence of members (art. 23(1, 4) RoP 2007-11, art. 22(1, 4) RoP 1999-2004). At least an absolute majority of committee members have to be present in order for the committee to be able to take decisions (art. 23(2) RoP 2007-11 art. 22(2) RoP 1999-2004). Those are often taken by consensus and formal voting is done where formally required, that is if reports have to be adopted for instance.[62] On such occasions, MPs rather abstain instead of voting against. The voting result including the names of MPs voting against or abstaining is included in the minutes of the committee meeting. Depending on the committee composition, one or two of the opposition factions are prone to abstain in many of the decisions.[63] The consensual decision-making in committee, with incidental abstentions of opposition factions, reflects the later voting behaviour in public session except for controversial issues and budget laws (compare with section 4.2 and section 5.2.2).

Committees may invite members of government to give explanations on subjects at stake (art. 20(4) RoP 2007-11, art. 19(3) RoP 1999-2004). In case a committee is concerned by a bill, an absolute majority of a committee nominates one of its members a **rapporteur** (art. 22(3) RoP 2007-11, art. 21(3) RoP 1999-2004). A respective final report should

[62] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.
[63] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

contain an analysis of the deliberations of the committee, its conclusions and the text the committee proposes (art. 22(4) RoP 2007-11, art. 21(4) RoP 1999-2004). The committee adopts the report and distributes it to all members of parliament at least three days before debates start in the plenary (art. 22(5) RoP 2007-11, art. 21(5) RoP 1999-2004). All committee documents are distributed automatically to the political factions (art. 22(6) RoP 2007-11, art. 21(6) RoP 1999-2004).

The deadline for the submission of a report is fixed by the Speaker, after the Conference of Presidents has given its opinion. If the rapporteur does not respect this deadline, the Speaker may propose to install another rapporteur to the committee. Similarly, the committee may decide so (art. 24 RoP 2007-11, art. 23 RoP 1999-2004). The main author of a report has the right to take part and advice in committee meetings which deal with his/her report (art. 25(1) RoP 2007-11, art. 24(1) RoP 1999-2004) and so has the author of an amendment (art. 25(2) RoP 2007-11, art. 24(2) RoP 1999-2004).

If a bill project, EU documents (since 2003) or reports are examined, the committee may invite extra-parliamentary bodies, and since 2003, MEPs (art. 26(1, 2) RoP 2007-11, art. 25(1, 2) RoP 1999-2004) to take part in the meetings. Other committees may be asked for advice too (art. 26(3) RoP 2007-2011, art. 25(3) RoP 1999-2004), or may give their opinion , without being asked to (art. 26(5) RoP 2007-11, art. 25(5) RoP 1999-2004). The Speaker, upon the advice of the Conference of Presidents, holds the final decision about such collaborations (art. 26(4) RoP 2007-11, art. 25(4) RoP 1999-2004).

Committee meetings are **non-public**. The Chamber became however more transparent in the more recent years. In 2010, the RoP gave the possibility to committees to ask authorization at the Conference of Presidents to hold public hearings or to transmit one of its meetings via the parliaments television channel "*Chamber TV*" (art. 22(7) RoP 2007-11, art. 21(7) RoP 1999-2004). In the same year, the minutes of committee meetings were declared public and since are to be found on the website of the Chamber. The minutes of meetings from the steering organs of the Chamber, that is the Bureau,[64] the Conference of Presidents, and minutes of international delegation meetings are still classified confidential and not accessible (art. 22(8) RoP 2007-11, art. 21(8) RoP 1999-2004), except the respective organ would decide otherwise. A committee may decide to hold its deliberations in secrecy and no minutes are published in this case (art. 22(9) RoP 2007-11, art. 21(9) RoP 1999-2004).

While there is no mention of **regulatory committees** ("*commissions réglementaires*") in the RoP, they are considered a different category. In the period between 1999 and 2011, four regulatory committees are known. Such is the Committee on the Rules of Procedures of the Chamber, including its sub-committee on the statute of the MPs. It is an important committee as the RoP have been and still are an important tool for MPs to introduce obligations for government.[65] Other regulatory committees are the Petitions committee and the Accounts committee[66], which oversees the spending of the Chamber. Between

[64] The Bureau consisted of the Speaker, three vice-presidents one of the three largest parties each, seven MPs – three from the CSV, two from the LSAP, and one from the Liberals and the Greens each and the General Secretary, who has no voting right.
[65] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.
[66] Commission des comptes

2004 and 2006, the latter was also in charge of budgetary control. Before and after this period, budgetary control was exerted by an ordinary permanent committee.

The **Parliamentary control committee of the national Secret Service** (SREL committee) (art. 27 and Annex 1 RoP 2007-2011)[67] also ranges among the regulatory committees. A former special committee and working after its own, particular provisions, the Chamber deemed the installation of this committee necessary, after the law of 2004 re-organised the national Secret Service. It is composed of the leaders of political groups, and as such works after the principle of the Conference of Presidents: Every vote is weighted by the number of MPs a political group holds in the Chamber. Once a year, it submits report on its activities to the Chamber. For the rest, it examines specific dossiers of the Secret Service with the help of its agents. All its deliberations are ex officio confidential and not open to the public.

Common to all regulatory committees is that they are not concerned with lawmaking as the other permanent committees. Instead, they deal with parliament internal affairs, secretive and sensitive issues. No ministry corresponds to their jurisdiction. Thus, the principle of correspondence between permanent committees and ministries does not hold for regulatory committees.

[67] Commission de Contrôle parlementaire du Service de Renseignement de l'Etat, as foreseen by chapter five on the parliamentary control of the Secret Service (Loi du 15 juin 2004 portant organisation du Service de Renseignement de l'Etat, Mémorial A n° 113 du 12 juillet 2004).
http://www.legilux.public.lu/leg/a/archives/2004/0113/a113.pdf, last access: 11.2.2013.

The number of permanent committees remains at 22 for the whole period under investigation, except for the sessions 2004/5 and 2005/6 and due to changes in the regulatory committees. Then, the aim was to decrease the number of committees and 20 permanent committees were thus installed in the beginning of the legislature. However, in 2006/7, the SREL committee was set up. At this occasion the Budgetary control committee was separated from the Accounts committee, as it was before 2004/5. The merge had apparently not worked out in a satisfying manner.

The organisation of the Chamber is subject to discussions within the factions. Some propose that permanent committees should become even more non-volatile. Rather than depending on the organisation of government, the Chamber should create fewer and larger, but truly permanent committees. In their view, ministers do not require "*their*" committee in the Chamber but may deliver in several committees, depending on the matter at stake. It is argued that this would give the committees more visibility and independence.[68] This on-going debate shows that the correspondence of ministerial and committee jurisdictions is a double-edged sword. It serves improving scrutiny, as the literature suggests (Norton, 1998; Strøm, 1990), but bears the danger of ministerial dominance or sectoral thinking based on the expertise established in committees.

### 3.1.2. Sub-committees and special committees

Permanent committees could always constitute **sub-committees**, however, practice shows that they rarely did so and even less so in the recent years. The mother committee

[68] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

may decide upon the composition and competences of sub-committees which report back to it (art. 22(2) RoP 2007-11, art. 21(2) RoP 1999-2004). Generally, sub-committees consist of a subset of members of the mother committee, mostly of one member by faction. No vice-chairs are nominated. They examine specific aspects within the competences of the mother committee.

Three sub-committees have been established in the period under investigation and two of them still exist at the end of the most recent legislature, in September 2013. The JURI established a first sub-committee on **divorce** in session 2007/8. It ended in the same session and was chaired by the CSV MP Christine Doerner. During its existence, the sub-committee examined five bills related to divorce matters.[69] The installation of the sub-committee was justified by the sheer number of law initiatives related with divorce and the complexity of the matter at stake.

The second sub-committee of the JURI was on the creation of a **European contract law for consumers and enterprises**.[70] It is the most recent one, established in session 2010/1. Again the chair went to a CSV deputy, Léon Gloden. Apart from its chair it has three members, one each from the Socialists, Liberals and Greens. Most interestingly, the Green paper from the European Commission on the same topic[71] is on the origin of the sub-committee. The JURI esteemed a sub-committee would be appropriate due to the

[69] 5867 Projet de loi relatif à la responsabilité parentale, 5285 - Proposition de loi relative à l'exercice conjoint de l'autorité parentale, 5304 - Proposition de loi portant réforme de l'autorité parentale et instaurant la permanence du couple parental, 5553 - Proposition de loi portant réforme du droit de la filiation et instituant l'exercice conjoint de l'autorité parentale, 5155- Projet de loi portant réforme du divorce.
[70] Sous-commission Création d'un droit européen des contrats pour les consommateurs et les entreprises
[71] Green paper from the Commission on policy options for progress towards a European Contract Law for consumers and business. COM(2010)348 final, Brussels, 1.7.2010. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0348:FIN:en:PDF last access: 12.02.2013.

specificity of the topic and the more efficient work style.[72] As a result, the JURI adopted the report of the sub-committee as a political opinion and transferred it in the framework of the political dialogue to the European Commission.[73] The mandate of the sub-committee was extended to further follow the subject.

The third sub-committee of period 1999-2011 is the one on the **statute of MPs**.[74] It was created in session 2009/10 by the regulatory Committee on the Rules of Procedures and chaired by Lucien Weiler (CSV). The sub-committee has seven members. All political factions in the Chamber hold one seat, except the CSV, which holds two (including the chair of the committee).

**Special committees** on the other hand are not created by a mother committee, but by parliament as a whole. Similar to sub-committees, they deal with a precise problem or topic. All general provisions in Articles 19-27 RoP 2007-2012 (ex. art. 18-26 RoP 1999-2004) apply to permanent and special committees in the same manner. However, while permanent committees are established for the whole legislative period, special committees are dealing with a particular piece of legislation and end after accomplishing legislative scrutiny (art. 18 RoP 2007-2011, art. 17 RoP 1999-2004).

In the period between 1999 and 2011, 12 special committees were active and the topics covered reached from ethics, non-discrimination, immigration and the economic and financial crisis (Table 7). Their missions varied: While some of them dealt with special

[72] Chambre des Députés: Rapport d'activité de la session parlementaire 2010-2011, p. 21.
[73] 6267 - LIVRE VERT DE LA COMMISSION relatif aux actions envisageables en vue de la création d'un droit européen des contrats pour les consommateurs et les entreprises (document COM (2010) 348 final du 1er juillet 2010).
[74] Sous-commission Statut du député

societal problems, others were installed to treat European matters. The Chamber established a special committee in order to deal with the European Commission's National action plan for employment which transposed one directive during its existence.[75] Other special committees were institutionalised at a permanent basis: Such was the case for the Equality between women and men committee, and more recently the Immigration committee, and the Committee for the Parliamentary control of the Secret Service (SREL) for instance.

[75] Loi du 12 février 1999 concernant la mise en œuvre du plan d'action national en faveur de l'emploi 1998, Mémorial A n°13 du 23.02.1999; doc. parl. N° 4459.

*Table 7: Special committees active between 1999 and 2011*

| | **Title** | **Period** | **Chairs** |
|---|---|---|---|
| ***1*** | *Genetics (Génétique)* | *1994/5-1998/9* | *Marcelle Lentz-Cornette (CSV)* |
| ***3*** | *Ethics (Ethique)* | *1996/7-1998/9* | *Marcelle Lentz-Cornette (CSV)* |
| ***4*** | *Equality between women and men (Egalité entre femmes et hommes)* | *1996/7-1998/9* | *Ferny Nicklaus-Faber (CSV)* |
| ***2*** | *Drug abuse (Stupéfiants)* | *1994/5-2003/4* | *Willy Bourg (CSV) 1994/5-1998/9*<br>*Niki Bettendorf (DP)1999/2000-2003/4* |
| ***5*** | *National action plan for employment (Plan d'action national en faveur de l'emploi)* [1] | *1997/8-2003/4* | *Marcel Glesener (CSV)* |
| ***6*** | *Youth and poverty (Jeunesse et détresse)* | *1999/2000-2003/4* | *Lucien Weiler (CSV)* |
| ***7*** | *Immigration* | *2000/1-2003/4* | *Marcel Glesener (CSV)* |
| ***8*** | *International road transport (Transports routiers internationaux)* [2] | *26.2.2002-3.6.2002*[1] | *Lucien Weiler (CSV)* |
| ***9*** | *Parliamentary control of the Secret Service (Contrôle parlementaire du Service de Renseignement)* [3] | *2004-2005/6*[2] | *Henri Grethen (DP)* |
| ***10*** | *Territorial reform (Réorganisation territoriale)* | *2004/5-2007/8* | *Michel Wolter (CSV)* |
| ***11*** | *Tripartite* | *2006/7* | *Michel Wolter (CSV)* |
| ***12*** | *Economic and financial crisis (Crise économique et financière)* | *2008/9* | *Lucien Thiel (CSV)* |

[1] The Special committee on international road transport was transformed into a committee of enquiry thereafter.

[2] The Special committee on the parliamentary control of the Secret Service was established after the adoption of the law re-organising the Secret Service[76] and transformed into a regulatory committee in 2005.

[76] Loi du 15 juin 2004 portant organisation du Service de Renseignement de l'Etat (SRE).

Although they embrace an important role as "*cradle"* for permanent committees and flexible instruments to cope with specific problems of general interest, a clear trend away from special committees may be observed since 2009. Not a single one of them was active in Legislature 3 (CSV/LSAP II), that is between 2009 and 2011. What is more, the four special committees created during Legislature 2 (CSV-LSAP I) were on average of a shorter duration (1.5 years) than the three special committees working during Legislature 1 (CSV/DP) (2.5 years). Also, the Socialists did not chair any of the special committees. 11 out of 12 were chaired by CSV members, two of them were taken over by the Liberals (the Committee on drug abuse was chaired by both, the CSV before and the DP after 1999). The LSAP seems to oppose the creation of special committees rather, as it had attempted to limit the number of permanent committees in the beginning of the 2004/5 legislature. This fits to recent statements of Socialist party leader Alex Bodry, that the structure of the Chamber should be reformed and the number of committees limited.[77]

### 3.1.3. Number of committees and correspondence to ministries

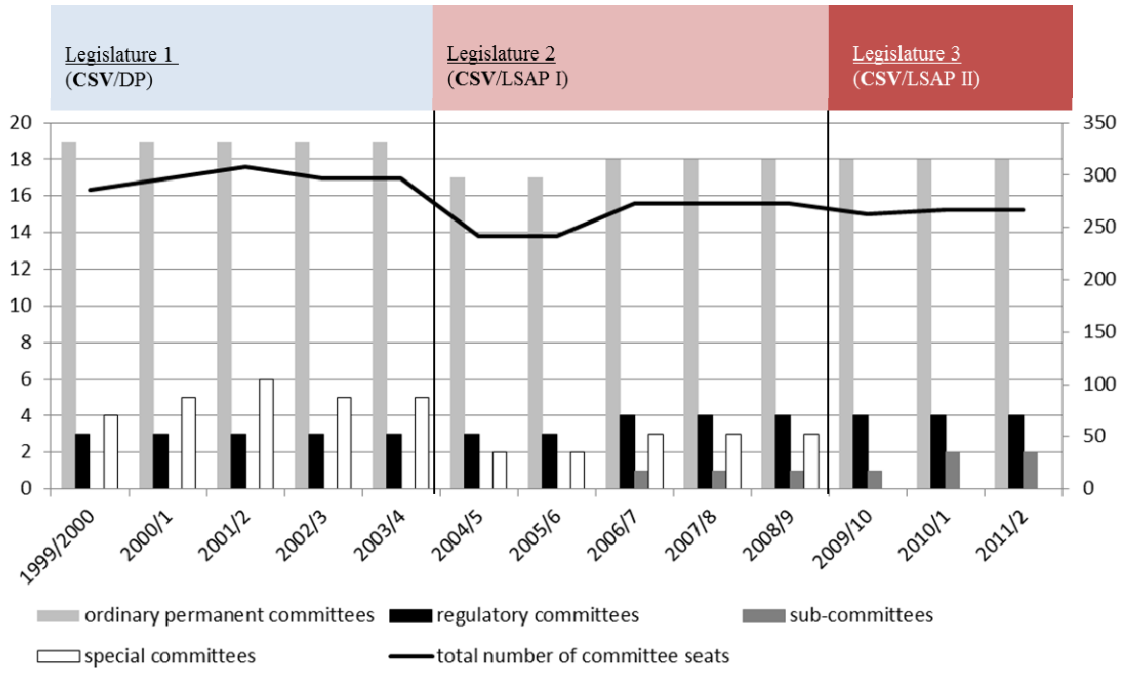
The number of (legislative) committees often serves as indicator in comparative politics in order to determine the scrutiny strength of a legislature (Martin and Vanberg, 2011; Norton, 1998; Strøm, 1998). The Luxembourgish parliament gains a high score in those studies, as it is highly decentralised. Between 1999 and 2011, 81 committees were created, among them 55 permanent committees, 11 regulatory committees, 3 sub-committees, and 12 special committees. Altogether, 848 committee seats were to be filled in the period of investigation.

[77] Bodry (2012) and Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

While the number of permanent committees follows a rather stable pattern during the whole period, there is a trend away in the use of **special committees** particularly since Legislature 3 (CSV/LSAP II). Not least the Socialist faction is promoting a limitation of committees and thus does not support the creation of special committees. Still, this more flexible instrument exists and has in the past often transformed into permanent committees (and enquiry committees). Instead, **sub-committees** became more prominent since 2006/7 but did not outweigh special committees in their numbers. Sub-committee establishment lies in the hands of a committee and its chair and may serve as a resort, if special committees are not well-regarded by the coalition partner.

Although no high scale changes have been made, a trend towards slightly less committees is visible, from the peak of 29 committees installed in 2001/2 to 22 committees in 2004/5. Subsequently, their numbers increased again to 26 for the rest of Legislature 2 (CSV/LSAP I). In 2009/10 again, the overall number sank to 23 in order to increase slightly afterwards. This pattern is due to the life-cycle of legislatures on the one hand, with the more flexible committees that are special and sub-committees established in the second half rather. On average, this resulted in 297 committee seats per parliamentary year in Legislature 1 (CSV/DP), 261 in Legislature 2 (CSV/LSAP I) and 266 in Legislature 3 (CSV/LSAP II) (Figure 30).

*Figure 30: Number of committees, absolute figures, 1999/2000-2011/2*




Data source: Parliamentary proceedings

The number of permanent committees mirrored the number of established ministries. They did however not exactly equal neither the number of ministers nor the number of portfolios in the period of investigation. During Legislature 1 (CSV/DP) for instance, 19 permanent committees were in place, while the government comprised 14 ministers holding 25 portfolios. In Legislature 2 (CSV/LSAP I), 18 committees corresponded to 15 ministers and 28 portfolios. And the 18 committees of Legislature 3 (CSV/LSAP II) matched 15 ministers with 28 portfolios. Taking into account the size of parliament, one portfolio was thus covered by around 2 MPs (60 divided by 25 is 2.4 and by 28 is 2.1).

The correspondence between committees and ministries was imperfect in all possible directions: Firstly, some ministers did not "*dispose*" about a proper committee, this is the

case for instance for the Minister for Cults. Secondly, other ministers held more than one portfolio exclusively related to respective committees. For example, Fernand Boden (CSV) was Minister for agriculture, viticulture and rural development, as well as Minister for the medium-sized businesses, tourism and housing in Legislatures 1 (CSV/DP) and 2 (CSV/LSAP II), where respective committees were installed in parliament. Thirdly, Justice Ministers Luc Frieden (CSV) and François Biltgen (CSV) went into meetings with two committees, the Justice committee, as well as the Committee for institutions and constitutional revision. Finally, some committees covered two or more ministries, most notably the Committee for foreign and European affairs, cooperation, defence and immigration (EAC) had to deal with four different ministers in Legislatures 2 and 3 (CSV/LSAP I and II) and two in Legislature 1 (CSV/DP).

In total, there is a trend away from the ideal **one-to-one correspondence** between committees and ministries. More and more committees are responsible for more than one ministry. In Legislature 1 (CSV/DP), five committees dealt with more than one ministry. Only the EAC effectively did so, if State Secretaries and Deputy Ministers backing up portfolios were excluded. The CODEXBU covered the Minister for public works together with the TRAVPUB. Similarly, we may disregard the separation between the Ministry of economy and the Transport ministry, seen that one minister (Henry Grethen of the Liberals) was responsible for both portfolios. Thus, the one-to-one correspondence between committees and ministries was more or less intact still.

In Legislature 2 (CSV/LSAP I), seven committees had to face more than one ministry. Again, the CODEXBU covered the Minister for public works with the TRAVPUB. Furthermore, subtracting those held by junior ministers and covering for a purely administrative separation of departments under the head of one minister, again only the EAC was left. Finally, in Legislature 3 (CSV/LSAP II) five out of eight committees actually covered more than one ministry (EAC, CODEXBU, FAM, FONCPUB3 and EDUSP), after disregarding junior ministers and administrative divisions. The CODEXBU covered the Minister for sustainable development together with the DEVDUR. Similarly, the EAC backed up the TRAVEMP when it came to immigration issues. The situation thus got more complicated over time and committees followed ministerial jurisdictions to a lesser extent in the more recent years (Table 8).

Parliamentary control of government is supposed to be less effective when one committee is responsible for more than one ministerial portfolio, than two committees responsible for one ministry. However, oversight also depends on the workload and the motivation of the committee (chair) to effectively organise the incurring tasks. For the EAC, there is some evidence, that scrutiny was not hindered by the fact that it had an overarching jurisdiction.[78] Others esteem the European dimension not enough considered by the EAC.[79] This increasing inflexibility of some committees when it comes to adapt to ministerial jurisdictions may also be seen as growing independence of parliament vis-à-vis government. The stability of jurisdictions of committees over longer periods may foster a more constant creation of expertise and committee identity.

[78] Member of the Chamber of Deputies, face-to-face interview, 20 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.
[79] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

Discussions are on-going concerning a reform of the committee system in the next legislature (compare with section 3.1.2). The proposals are manifold: The installation of a centralised EU committee and larger but "*truly*" permanent committees (not dependent on the formation of ministries) are among the possibilities to come (Bodry, 2012) (Table 8).[80]

[80] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013 and Member of the Chamber of Deputies, face-to-face interview, 23 September 2013.

*Table 8: Correspondence between committees and ministries*

| | Legislature 1 (CSV/DP) | | | |
|---|---|---|---|---|
| | Minister | Portfolio | Commitee | |
| 1 | 1 Jean-Claude Juncker (CSV) | 1 Prime minister | x | |
| 2 | | 2 Minister of State | x | |
| 3 | | 3 Finance Minister | 1 FIBU | |
| 4 | 2 Fernand Boden (CSV) | 4 Minister for agriculture, viticulture and rural development | 2 AGRI | |
| 5 | | 5 Minister for the medium-sized businesses, tourism and housing | 3 CMTOUR | |
| 6 | 3 Marie-Josée Jacobs (CSV) | 6 Minister for family, social solidarity and youth | 4 FAM | |
| 7 | | 7 Minister for the promotion of women | 5 EGAL | |
| 8 | 4 Erna Hennicot-Schoepges | 8 Minister for culture, higher education and research | 6 ENSSUP1 | |
| 9 | (CSV) | 9 Minister for public works | 7 TRAVPUB | **9 CODEXBU** |
| 10 | 5 Michel Wolter (CSV) | 10 Internal affairs minister | 8 INT1 | |
| 11 | 6 Luc Frieden (CSV) | 11 Treasury and budget minister | 9 CODEXBU | |
| 12 | | 12 Justice minister | 10 JURI | 19 INST |
| 13 | 7 François Biltgen (CSV) | 13 Minister for work and employment | 11 TRAVEMP | |
| 14 | | 14 Minister for the cults | x | |
| 15 | | 15 Minister for the relations with parliament | x | |
| 16 | | 16 Deputy minister for communication | 12 MEDIA | |
| 17 | 1 Lydie Polfer (DP) | 1 Vice prime minister | x | |
| 18 | | 2 Minister for foreign affairs and external commerce | **13 EAC** | |
| 19 | | 3 Minister for the public service and administrative reform | 14 FONCPUB1 | |
| 19 | 2 Joseph Schaack (DP) | (3) Secretary of State for the public service and administrative reform | 14 FONCPUB1 | |
| 20 | 3 Anne Brasseur (DP) | 4 Minister for national education, vocational training and sport | 15 EDUSP | |
| 21 | 4 Henri Grethen (DP) | 5 Minister for economy | 16 ECON, TRAN | |
| 22 | | 6 Transport minister | 16 ECON, TRAN | |
| 23 | 5 Charles Goerens (DP) | 7 Minister for cooperation, humanitarian aid and defence | **13 EAC** | |
| 24 | | 8 Environment minister | 17 ENVI | |
| 24 | 6 Eugène Berger (DP) | (8) Secretary of State for environment | 17 ENVI | |
| 25 | 7 Carlo Wagner (DP) | 9 Minister for health and social security | 18 SANT | |

| | Legislature 2 (CSV/LSAP I) | | | |
|---|---|---|---|---|
| | Minister | Portfolio | Committee | |
| 1 | 1 Jean-Claude Juncker (CSV) | 1 Prime minister | x | |
| 2 | | 2 Minister of State | x | |
| 3 | | 3 Finance Minister | 1 FIBU | |
| 4 | 2 Fernand Boden (CSV) | 4 Minister for agriculture, viticulture, and rural development | 2 AGRI | |
| 5 | | 5 Minister for the medium-sized businesses, tourism and housing | 3 CMTOUR | |
| 6 | 3 Marie-Josée Jacobs (CSV) | 6 Minister for family and integration | 4 FAM | |
| 7 | | 7 Minister for equal opportunities | 4 FAM | |
| 8 | 4 Luc Frieden (CSV) | 8 Treasury and budget minister | 5 CODEXBU | |
| 9 | | 9 Justice Minister | 6 JURI | 18 INST |
| 10 | | 10 Defence minister | **12 EAC** | |
| 11 | 5 François Biltgen (CSV) | 11 Minister for work and employment | 7 TRAVEMP | |
| 12 | | 12 Minister for culture, higher education and research | 8 ENSSUP1 | |
| 13 | | 13 Minister for the cults | x | |
| 14 | 6 Jean-Marie Halsdorf (CSV) | 14 Minister for internal affairs and spatial planning | 9 INT2 | |
| 15 | 7 Claude Wiseler (CSV) | 15 Minister for the public service and administrative reform | 10 FONCPUB2 | |
| 16 | | 16 Minister for public works | 11 TRAVPUB | **5 CODEXBU** |
| 17 | 8 Jean-Louis Schiltz (CSV) | 17 Minister for cooperation and humanitarian aid | **12 EAC** | |
| 18 | | 18 Deputy minister for communication | 10 FONCPUB2 | |
| 19 | 9 Octavie Modert (CSV) | 19 State secretary for the relations with parliament | x | |
| 4 | | (4) State secretary for agriculture, viticulture and rural development | 2 AGRI | |
| 12 | | (12) State secretary for culture, higher education and research | 8 ENSSUP1 | |
| 20 | 1 Jean Asselborn (LSAP) | 1 Vice prime minister | x | |
| 21 | | 2 Minister for foreign affairs and immigration | **12 EAC** | |
| 22 | 2 Nicolas Schmit (LSAP) | 3 Deputy minister for foreign affairs and immigration | 12 EAC | |
| 23 | 3 Mady Delvaux-Stehres (LSAP) | 4 Minister for national education and vocational training | 13 EDU | |
| 24 | 4 Jeannot Krecké (LSAP) | 5 Minister for the economy and external commerce | 14 ECON, SP | |
| 25 | | 6 Sports minster | 14 ECON, SP | |
| 26 | 5 Mars Di Bartolomeo (LSAP) | 7 Minister for health and social security | 15 SANT | |
| 27 | 6 Lucien Lux (LSAP) | 8 Environment minister | 16 ENVI | |
| 28 | | 9 Transport minister | 17 TRANS | |

| | Legislature 3 (CSV/LSAP II) | | | |
|---|---|---|---|---|
| | Minister | Portfolio | Committee | |
| 1 | 1 Jean-Claude Juncker (CSV) | 1 Prime minister | **1 FONCPUB3** | |
| 2 | | 2 Minister of State | x | |
| 3 | | 3 Treasury Minister | 2 CODEXBU | |
| 4 | 2 Marie-Josée Jacobs (CSV) | 4 Minister for family and integration | **3 FAM** | |
| 5 | | 5 Minister for cooperation and humanitarian action | **4 EAC** | |
| 6 | 3 Luc Frieden (CSV) | 6 Finance minister | 5 FIBU | |
| 7 | 4 François Biltgen (CSV) | 7 Justice minister | 6 JURI | 18 INST |
| 8 | | 8 Minister for the public service and administrative reform | **1 FONCPUB3** | |
| 9 | | 9 Minister for higher education and research | 7 ENSSUP2 | |
| 10 | | 10 Minister for communication and the media | 7 ENSSUP2 | |
| 11 | | 11 Minister for the cults | x | |
| 12 | 5 Jean-Marie Halsdorf (CSV) | 12 Minister for internal affairs and the Greater region | 8 INT3 | |
| 13 | | 13 Defence minister | **4 EAC** | |
| 14 | 6 Claude Wiseler (CSV) | 14 Minister for sustainable development and infrastructure | 9 DEVDUR | **2 CODEXBU** |
| 15 | 7 Octavie Modert (CSV) | 15 Culture minister | 10 CULT | |
| 16 | | 16 Minister for the relations with parliament | x | |
| 17 | | 17 Minister for administrative simplification alongside the Prime minister | **1 FONCPUB3** | |
| 8 | | 8 Deputy minister for the public service and administrative reform | 1 FONCPUB3 | |
| 18 | 8 Marco Schank (CSV) | 18 Minister for housing | 11 LOG | |
| 14 | | 14 Deputy minister for sustainable development and infrastructure | 9 DEVDUR | |
| 19 | 9 Françoise Hetto-Gaasch (CSV) | 19 Minister for small and medium enterprises and tourism | 12 CMTOUR | |
| 20 | | 20 Minister for equal opportunities | **3 FAM** | |
| 21 | 1 Jean Asselborn (LSAP) | 1 Vice prime minister | x | |
| 22 | | 2 Minister for foreign affairs | **4 EAC** | |
| 23 | 2 Mady Delvaux-Stehres (LSAP) | 3 Minister for national education and vocational training | 13 EDUSP | |
| 24 | 3 Jeannot Krecké (LSAP) | 4 Minister for the economy and external commerce | 14 ECCEES | |
| 25 | 4 Mars Di Bartolomeo (LSAP) | 5 Minister for health and social security | 15 SANT | |
| 26 | 5 Nicolas Schmit (LSAP) | 6 Minister for employment, work and immigration | **16** TRAVEMP | **4 EAC** |
| 27 | 6 Romain Schneider (LSAP) | 7 Minister for agriculture, viticulture and rural development | 17 AGRI | |
| 28 | | 8 Sports minister | **13 EDUSP** | |
| 24 | | 9 Deputy minister for a solidary economy | 14 ECCEES | |

Source: Thewes (2011, p. 233) and parliamentary proceedings
Compare with committee key in Annex 0 on page 173

### 3.1.4. Summary and conclusions: The organisation of the Chamber in committees

The Chamber is well equipped with committees in terms of their number as well as their function. The types and number of committees hint to a stable decentralisation of scrutiny and specialisation in the Chamber. Their main purpose is lawmaking, and internal as well as governmental control. Committee meetings are not public and grant MPs and their invitees' discretion for discussions related to the matter rather than party political calculations.

Within the Chamber three formal types of legislative committees exist. **Permanent committees** are the main locus of legislative scrutiny. The Luxembourgish parliament is

characterized by a rather high and stable number of those permanent committees. The installation of **sub-committees** is dependent on the permanent mother committee. Two out of the three sub-committees established during the period under investigation belonged to the JURI. Seen in a longer perspective, it is mother of five out of six sub-committees between 1980 and 2011. **Special committees** are similar to sub-committees concerned with a particular legislation or clearly defined subject matter and erase after the accomplishment of a defined mission. 12 special committees were active and the topics covered reached from ethics, non-discrimination, immigration and the economic and financial crisis. Interestingly, EU matters were taken as occasion to create both, sub- and special committees. This hints to the reactivity of the Chamber and the flexibility of the committee structure.

Informally, yet another division of committees, that is **regulatory committees**, exists which is not incorporated in the RoP of the Chamber. Some of the permanent committees are concerned with parliament internal affairs and secretive and sensitive issues such as the control of the secret service. Four regulatory committees came into being since 2006 and, in contrast to other permanent committees, they had not ministry which applied to their jurisdiction.

During the period of investigation, the number of legislative committees remained mostly stable. However, some **trend towards fewer committees** becomes apparent. Their number peaked in 2001/2 when 29 committees installed. In 2004/5 only 22 committees remained in place. Subsequently, their number increased again to 26 for the rest of

Legislature 2 (CSV/LSAP I). In 2009/10 again, the overall number sank to 23 in order to increase slightly afterwards. This pattern is due to the life-cycle of legislatures on the one hand, with the more flexible committees that are special and sub-committees established in the second half rather. On average, this resulted in 297 committee seats in Legislature 1 (CSV/DP), 261 in Legislature 2 (CSV/LSAP I) and 266 in Legislature 3 (CSV/LSAP II).

Although permanent committees largely follow the ministerial jurisdictions, **they do not correspond one-to-one to ministries**. Their jurisdictions slightly shifted over time and largely correspond to ministerial departments, although this principle was loosened in Legislature 3 (CSV/LSAP II). Thus, in a few but increasing number of cases, one committee correlates to more than one ministry. Depending on the workload and the organisation of the committee, such imperfect correspondence may be overcome. This growing independence of committees from ministry jurisdictions may thus point to an increasing independence of parliament vis-à-vis government. However, the use of those structures depends on the MPs at place. In a next section, we therefore investigate the committee's composition and committee chair allocation.

## *3.2. Committee composition*

This section examines the formal rules and practices of committee composition, membership and chair allocation. The committee chair is of particular importance for the organisation of works in committees which determines the establishment of expertise of

MPs. His/Her leadership style, as well as the composition of committees and committee memberships influence the effectiveness of parliamentary control of government.

### 3.2.1. Committee composition and membership

The first step to determine the **composition of committees** is done by the Conference of Presidents who suggests a number of seats for each committee, by faction and after proportional representation (art. 19 ex. 18 RoP). The attribution of MPs to committees is decided in the political factions and guided by MPs interest, field of expertise and former occupation. For the smaller factions of the ADR and the Greens, this means that they are represented with one MP in every committee even when they hold the committee chair.

Although committee work requires and brings along specialisation, factions usually work following an **electoral logics** rather than a logics of expertise. The Green faction makes the exception and sticks to committee assignments when it comes to other parliamentary work too. For instance, if parliamentary questions (PQs) are asked, a faction would assign the MP as its author whose electorate is concerned by the topic, that is by geographical area. Authorship of PQs in among the Greens on the other hand sticks to the respective field of expertise of an MP and this is normally related to his/her committee assignment.[81]

As we outline in section 3.2.2, committees are not equally attractive to chairs. Neither are they to MPs with the committees on the Committee for institutions and constitutional

[81] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012.

revision (INST), JURI and the EAC (AEE/AEEDCI) being said the most popular ones.[82] The EAC for instance is chosen by senior MPs with prior **experience** in the issue areas. Such experience may consist in a former government responsibility or activity in international parliamentary assemblies.[83]

The JURI is cast with mainly lawyers by training. What is more, it is a **politically and financially rewarding** committee, where important matters are decided, such as legal provisions on divorce, the requirements for the obtainment of the Luxembourgish nationality or criminal matters. Similarly, the INST treats matters of high public relevance when it proposes changes to the Constitution. This ranking might be partly related to the fact that the JURI as well as the EAC are very active committees. Also the INST holds regular meetings although those come up to a lower number (not least, because it does not deal with government law initiatives). The more meetings a MP attends, the more allowances he/she is granted (compare with section 3.3.1). Finally, committee membership is more or less attractive, depending on the party affiliation as the factions have different **priorities in policy matters**.

In many committees, MPs exercise **partial memberships**. No formal rules exist regarding this costume. Rather, the political factions staff committees as they see fit, once the number of seats by party affiliation is fixed (following proportional representation). Such partial membership is more common in committees of large jurisdiction and among larger factions. Not least, the EAC features partial members for all its components, be it

[82] Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013.
[83] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

foreign and European affairs, defence, cooperation or immigration. It enables a larger number of MPs to take part in committee meetings as they would not necessarily leave, when a subject does not fall under their responsibility. Also, MPs may substitute each other. The committee chairs try to regroup items on the agenda so that they cover similar policy areas, not least, when ministers and their staff are invited to take part in the meetings.[84]

Despite the fact that MPs dispose over prior knowledge in a domain, specialisation is complicated by the small number of MPs and their multiple committee memberships. While committees serve as opportunity structure to gain policy expertise and exert parliamentary scrutiny, the practical possibility to use this opportunity is dependent on the size of parliament. Multiplying the number of committees with the number of seats by committee gives us the **number of committee seats** for a parliamentary year. The analysis shows that Legislature 1 (CSV/SP) between 1999/2000 and 2003/4 offered the most committee seats to MPs (on the average 304 per session). In Legislature 3 (CSV/LSAP II) there were on the average 266 and Legislature 2 (CSV/LSAP I) 261 seats waiting to be filled by MPs.

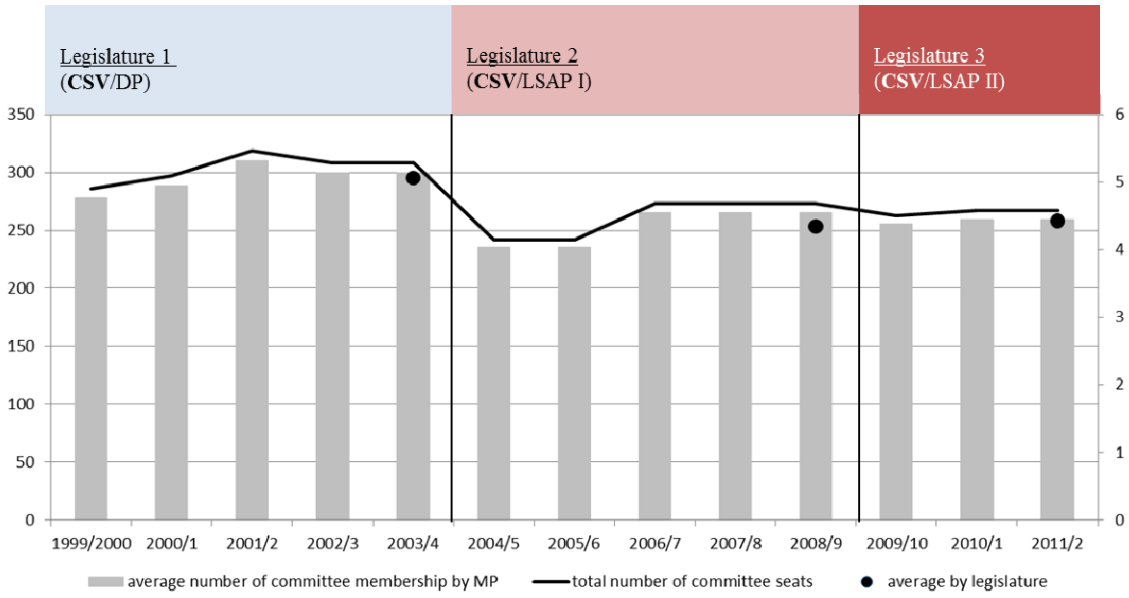
Divided by the total number of MPs in the Chamber, that is 60, we arrive at the average number of committee memberships of an individual MP. This calculation assumes a perfect application of the proportional representation principle in committees. Reality is not that ideal but this gives us an insight on the average number of committee seats a MP holds. The **average number of committee seats by MP** may be calculated as number of

[84] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

committee seats-number of MPs-ratio. It indicates, in how far an individual MP is able to develop expertise (Harfst and Schnapp, 2003, p. 18ff). Notwithstanding all policy areas have to be covered by a small parliament too. A low number of MPs forces thus a higher number of committee memberships, given a constant number of committees. The fewer committee memberships one individual MP holds the more expertise he/she may develop.

For the Legislature 1 (CSV/DP), the average number of committee membership is the highest (5.06 over the 5 sessions between 1999/2000 and 2003/4), followed by Legislature 3 (CSV/LSAP II) (4.43 over 3 sessions between 2009/10 and 2011/2). MPs held the least committee seats in Legislature 2 (CSV/LSAP I) (Figure 31).

*Figure 31: Committee seats and average committee membership by MP, absolute numbers, 1999/2000-2011/2*



### 3.2.2. Rules and practice of committee chair allocation

The **committee chair** is of major importance for the organisation of committee work. In the beginning of each session, all committees attribute with an absolute majority one chair and two vice-chairs (art. 19(1) RoP 2000-2011, art. 16(3) and art. 17(2) RoP 1999). The committee chair, one of the two vice-chairs or the Speaker convokes meetings at least three days in advance unless the Speaker decides otherwise (art. 20(1) RoP 2007-2011, art. 19(2) RoP 2000-2004, art. 19(1) RoP 1999). As of 2003, the oldest committee member chairs the committee in case its chair and vice-chairs are prevented for any reason (art. 20(5) 2007-2011, art. 19(5) RoP 2003-4). The chair fixes the agenda and his/her voice is decisive in case the committee fails to agree (art. 21(1) RoP 2007-2011, art. 20(1) RoP 1999-2004). Since 2010, summaries of meetings are published on the Chamber's website and it is the committee chair who signs those summaries as well as the committee secretary (art. 22(8) RoP 2010-2011). In the beginning of each meeting, the chair checks the presence of members and subsequently opens or adjourns a meeting (art. 23(1) 2007-2011, art. 22(1) RoP 1999-2004).

The **value** of a party holding the committee chair is contested. The congruence of party affiliation between committee chair and minister is generally considered an advantage for the establishment of a good working atmosphere and does not seem to be a contested principle. However, the actual **power of chairs** and subsequently, legislative scrutiny depends on how skilful the position is used. Some interviewees pointed to the relative importance of committee chairs, not least in the case of conflict to moderate and reach consensus. It is in their hands to guide the meetings to success. Fearful and tender

characters, as well as "*party slaves"* are considered less apt for such position. On the one hand, a committee chair has to sometimes take decisions which are not in everyone's favour and possibly a respective minister needs to be put in his/her place. On the other hand, he/she should establish consensus where possible and this requires flexibility and pragmatism.[85] If the committee is not able to arrive at a consensus, the dispute enters plenary and thus gains public attention. The aim is to bring everybody in to avoid publicity for deviating views.[86]

What is more, a good preparation of meetings is naturally appreciated, with the chair being obliged to be the most active among committee members. One good indicator of his/her expertise is that committee chairs usually take over the tasks of rapporteurs, although committee members may specialise in different sub-areas. Depending on his/her skills to draft such reports, they deserve their committee chairmanship, and for long-standing chairs this is mostly the case. Administration and faction staff is left out if the rapporteur holds enough expertise to draft a report herself. No MP chairs two committees and a skilled committee chair may thus gain large authority within parliament and can often be considered the best expert of the committee. Such expertise is of great value for a party, and outdoes the electoral logics: Even if a committee chair is not the best friend of the common people, he/she will normally enter parliament again. At the same time, chairs of different committees are informally not equal. A snobbish "*Committee-consciousness*" is fostered, not least among the chairs themselves. The unofficial Queen

[85] Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013, and Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012.
[86] Member of the Chamber of Deputies, face-to-face interview, 20 June 2013.

of committees is said to be the Institutional affairs and constitutional revision (INST) one, followed by the JURI and the EAC.[87]

Since the 1980s, the practice of establishing committees as well as committee chair attribution has changed. In the beginning of the 1980s, the Chamber established committees which were chaired by more than one person, depending how delicate the matter at stake was. The two co-chairs were affiliated to different parties, namely the coalition partners. Today, such twinned chairs are not used anymore.

The parliamentary committees in the Chamber largely mirror ministries, as we have seen in section 3.1.3, including the party affiliation of minister and committee chair. The **Chamber's European affairs committee (EAC)** made an exception. Its jurisdiction has twice increased over the period of investigation, from foreign and European affairs, to defence in 2000 and cooperation and immigration in 2004. In 2000 still, minister and committee chair were of the same party affiliation (Liberal), although two ministers were responsible for foreign and European affairs (Lydie Polfer) and defence (Charles Goerens).[88] As of 2004, a Socialist MP took over and since, it was responsible for matters covered by four ministers: Foreign affairs and immigration matters were held by Socialist ministers, while Christian Social ministers were responsible for cooperation and defence.

[87] Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013.
[88] Lydie Polfer was Vice-Prime minister, Minister for foreign affairs a.nd external commerce as well as Minister for the public service and administrative reform. Charles Goerens was Minister for cooperation, humanitarian aid and defence, as well as Environment minister.

Some of the Christian Social People's party (CSV) were sceptical in the beginning, working relations proved no difficulty.[89]

Another sort of exception was made for the **regulatory committees**. Those committees are normally chaired by opposition MPs. The attribution of regulatory committee chairs to opposition members was invented in the legislature 1999/2000. Only the Petitions committee's tradition of opposition chairs goes back even longer. Liberal deputy Anne Brasseur chaired the Petitions committee as of 1984, although the DP was in opposition. She held this position during the whole period of CSV/LSAP coalition during almost two decades and was the only opposition MP chairing a committee before 1999. When the DP entered government in 1999, its chair was handed over to the Socialist Lydie Err. When Err's party joined government again in 2004, the chair fell to the Green Camille Gira. Gira already chaired a committee as of 1999, when he took over the Account committee. The chair went to DP's Henri Grethen in 2004 and back to Gira in 2006. In 2004, another committee chair came into the hands of opposition. For the first time since its entry into parliament, the ADR could nominate a chair. Thus, Gast Gibéryen came to be the chair of the parliamentary Rules of procedures committee.

Since 2004, the **Control committee for budgetary execution (CODEXBU)** is the only permanent committee[90] in the hands of the opposition. In 1999, when the CODEXBU was created, its makers found that the committee would have more credibility when it

[89] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[90] It was a joint regulatory committee with the Chamber's Accounts committee from 2004/5 to 2005/6 but split again in 2007/8. The Accounts committee remained a regulatory committee and the CODEXBU became a permanent committee.

was chaired by an opposition MP. During the CSV/DP legislature, the LSAP held the chairmanship which went over to the DP in 2004. Although a permanent committee, it is no common legislative but a scrutinising committee (compare with section 5.2.2 on the practice of budgetary control).[91]

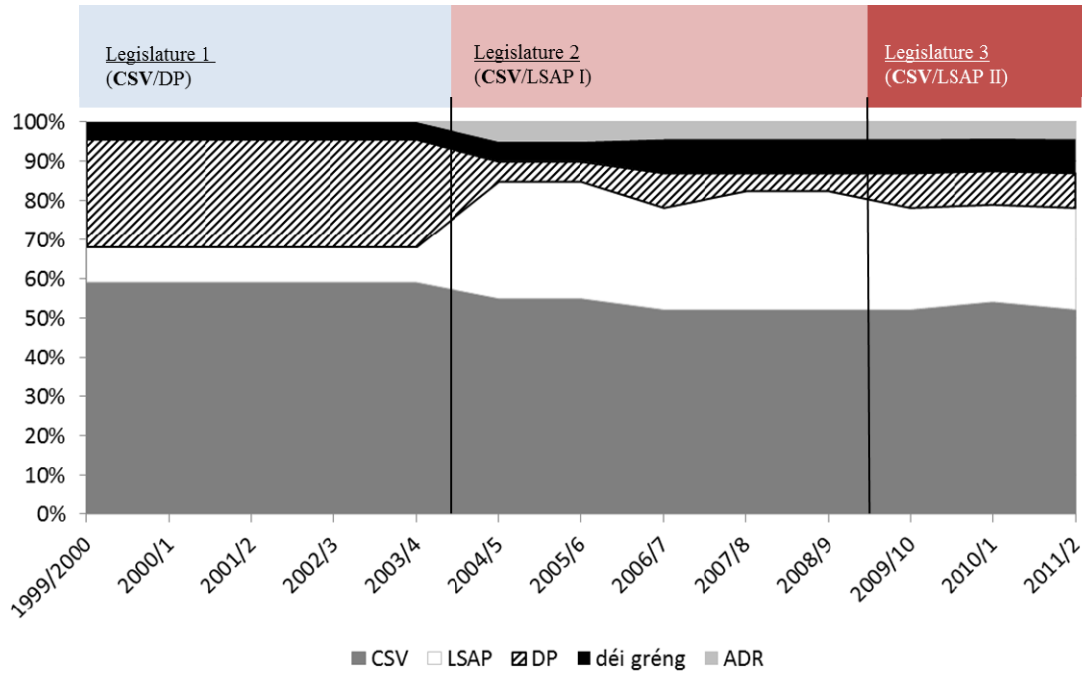
To be sure, chairing the special and sub-committees was always majority business and the opposition never held any of their chairs.

### 3.2.3. The party political distribution of committee chairs

Split up by party affiliation, it shows that the **CSV** always held more than 50% of all committee chairs between 1999/2000 and 2011/2. The **Socialists** lost most of their chairs in 1999, when they had to give over their government participation to the Liberals. The **DP** is seen as the third force in the party landscape of the country, and entered government several times since 1945. As such, it held chairs during its government participation, but also when it had opposition status. It traditionally held at least one committee chair then. The **Greens** were attributed their first committee chair in 1999. Like the ADR, they held 5 seats in the Chamber. But in terms of the electoral result, the Greens were stronger gaining 303,991 votes, compared to 244,045 votes of the ADR, thus 9.9% respectively 9.0% of the votes and both resulted in 5 seats in the Chamber. This should have served them as argument during the "*committee allocation carrousel*" (Figure 32).

[91] Member of the Chamber of Deputies, face-to-face interview, 13 June 2013.

*Figure 32: Committee chairs of permanent committees by party affiliation, percentages, 1999/2000-2011/2*




Over the years, opposition factions' chairs remained rare but could increase their presence in the **Conference of committee chairs**.[92] While they maintained only one chair before the 1999 elections, their numbers increased to four until 2005/6, when they firstly obtained five chairs. They still hold five chairs in 2011/2. The total number of permanent committees stayed at similar levels. Only in the period between 2004/5 and 2005/6, their number fell to twenty (Figure 33). Relative to all committee chair posts, opposition held between around 14% to almost 23% of permanent committee chairs and in more recent years, came close to 23% (Figure 34).

[92] The "*Conférence des Présidents des Commissions permanentes*" is an informal body which reunites at irregular intervals all permanent committee chairs.

*Figure 33: Opposition and total number of committee chairs of permanent committees, absolute numbers, 1999/2000-2011/2*

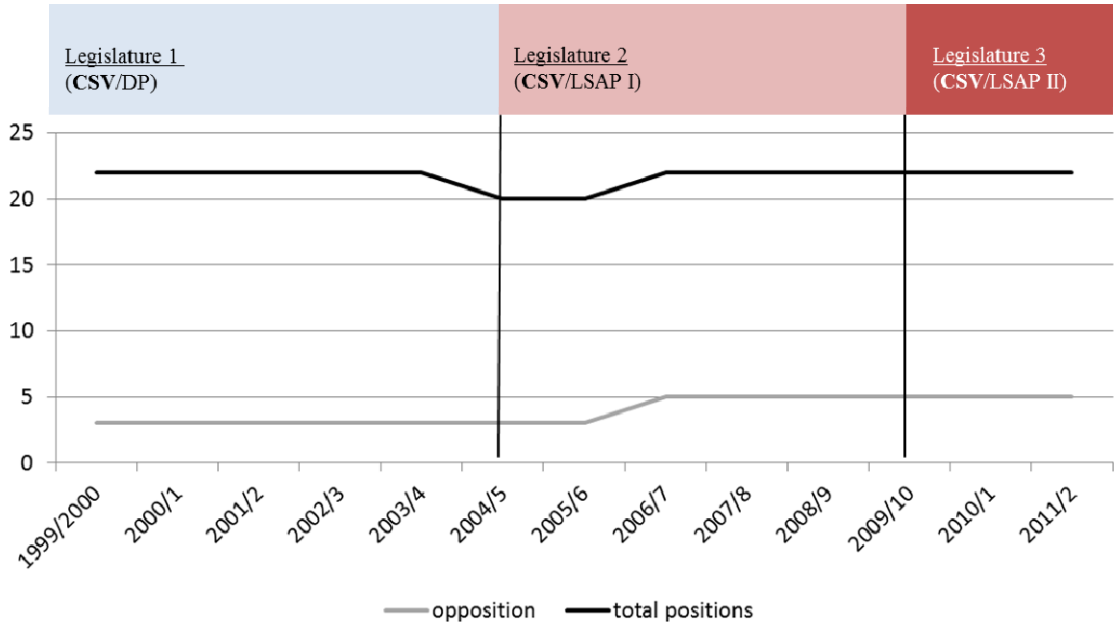
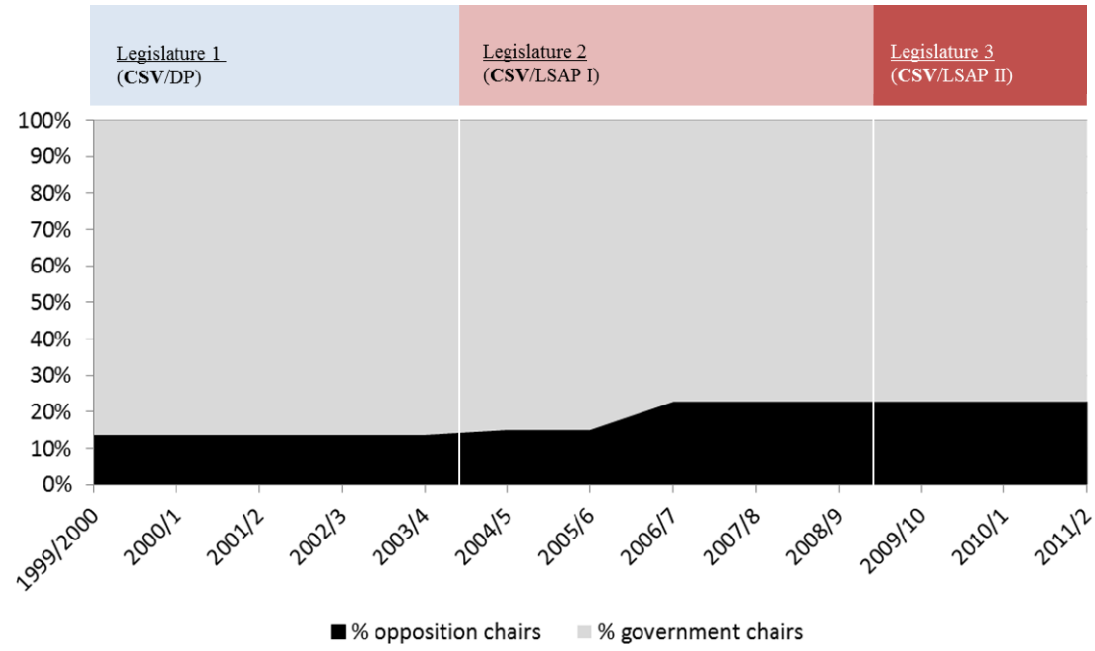
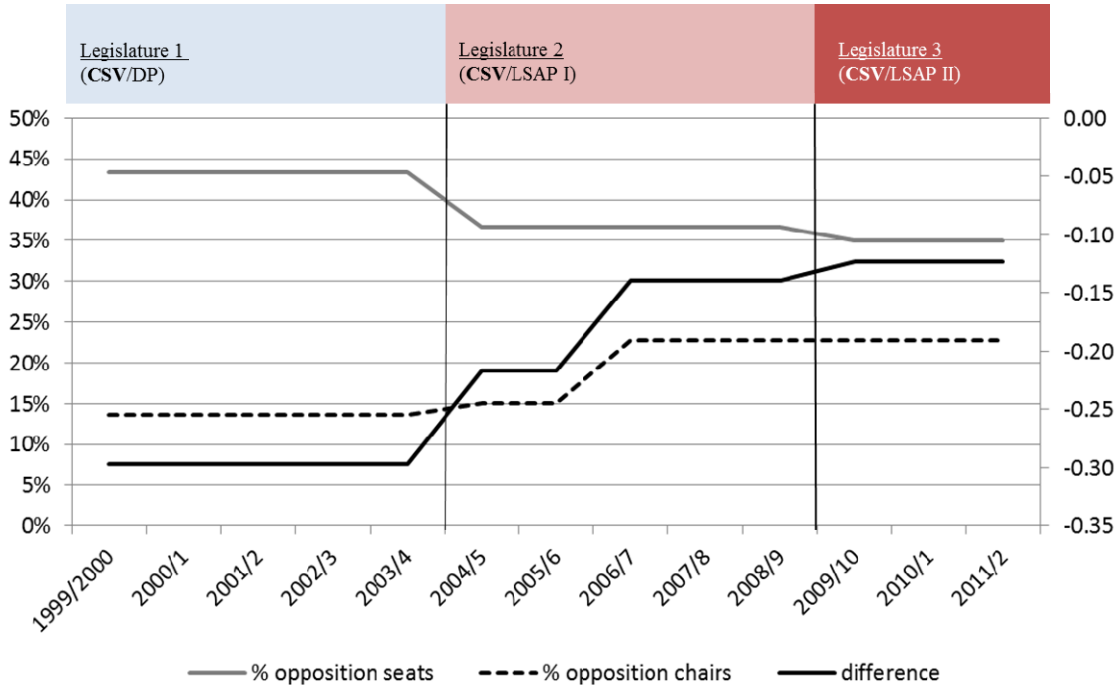



*Figure 34: Opposition and government committee chairs of permanent committees, percentages, 1999/2000-2011/2*



As such, opposition is underrepresented among committee chairs. However, the gap between the percentage of seats in the Chamber and the percentage of committee chairs decreased since 1999. Opposition lost stands in the last two legislatures, which is observable in the percentage of opposition seats in the Chamber. Still, their numbers among committee chairs rose and this is why the gap decreased from 30 to almost 10 percentage points difference (Figure 35).

*Figure 35: Opposition seats in parliament, opposition chairs and their difference in permanent committees, percentages, 1999/2000-2011/2*




### 3.2.4. Summary and conclusions: Committee composition

Within this chapter we dealt with committee composition, committee membership and committee chair allocation as important factors influencing the capacity of parliament to

hold government accountable. All three factors may facilitate or hinder effective parliamentary scrutiny.

Regarding their **composition**, committees follow proportional representation. The Luxembourgish parliament is highly decentralised according to the rather high number of permanent committees (20-22 in the period under investigation). This is in principle a good starting point for parliamentary control of government. The opportunity structure is however not sufficient for an evaluation of effective scrutiny.

The capacity of MPs to use their opportunities depends on their possibility to specialise in an issue area. The small size of the Luxembourgish parliament forces **multiple committee memberships** which hamper the possibilities of MPs to specialize in a certain matter at stake. Between 242 and 319 committee seats on average 278 seats were available per parliamentary year during the period of investigation. Legislature 1 (CSV/DP) between 1999/2000 and 2003/4 offered the most committee seats to MPs (on average 304 seats by parliamentary year), followed by Legislature 3 (CSV/LSAP II) (266 seats) and Legislature 2 (CSV/LSAP I) (261 seats). Divided by the total number of MPs, it shows that an individual Luxembourgish MP is on the average member of four to five committees, which is amongst the highest numbers compared to other NPs (Harfst and Schnapp, 2003, p. 19).

When it comes to the **allocation of committee chairmanship**, committee chair allocation follows proportional representation, but largely excludes opposition. All committees

concerned with lawmaking, that is most permanent, and all sub- and special committees are headed by a MP of the governing coalition. The governing factions justify their accumulation of committee chairs by the possibility to better coordinate with a minister.[93] The need to oversee government seems to be less of an argument.

Committee chairs may be characterized as mediators between parliament and government, and between government and opposition. Chairing a committee is the art of creating consensus. At the same time, the chairs are able to facilitate parliamentary control of government. Especially in small parliaments, which do not dispose over large resources, a potential for better scrutiny lies in the attribution of committee chairs to the opposition. In the Luxembourgish case, this potential is not used when it comes to the permanent committees, which are mainly concerned with lawmaking.

While neglected the possibility of chairing a permanent committee, opposition MPs are not totally excluded from committee chairmanship. The attribution of certain committees concerned with scrutiny (that is the regulatory committees and the CODEXBU) to opposition as of 1999/2000 has to be seen as a major change in paradigm and parliamentary culture. In this case the credibility of control justified the decision. However, in the overall ranking of committees by prestige and importance, regulatory committees are to be found at the lower end of the scale rather, not least, because they offer less possibilities of public exposure.

[93] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013.

Summing up, due to the high number of committees, we consider the Luxembourgish parliament highly decentralised. This suggests a big potential to control government as committee work creates a division of labour and this makes MPs experts. However, seen the low total number of MPs, they have to take over a large number of multiple committee memberships. Specialisation is thus not entirely possible and scrutiny remains suboptimal.

## *3.3. Scrutiny in committee*

Committees are the main feature determining the opportunities for parliamentary control. In this section, we focus on the scrutiny exerted by committees. Hence, we concentrate on the permanent committees as the main locus where lawmaking takes place in the Chamber but exclude regulatory committees. Also, we do not consider special and sub-committees in this analysis for reasons of comparability. Although the latter deal with legislation, they are generally concerned with only one law initiative. Many of them only work during a limited period of time. In this section, we firstly investigate committee meetings and secondly the number of laws by committee in order to arrive at the calculation of two indices: The Structural scrutiny potential (SSP) and Structural scrutiny intensity (SSI) of the Chamber.

### 3.3.1. Committee meetings and laws by committee

Committee chairs dispose over a large discretion when it comes to the initiation of meetings. They may convoke meetings at least three days in advance, unless the Speaker

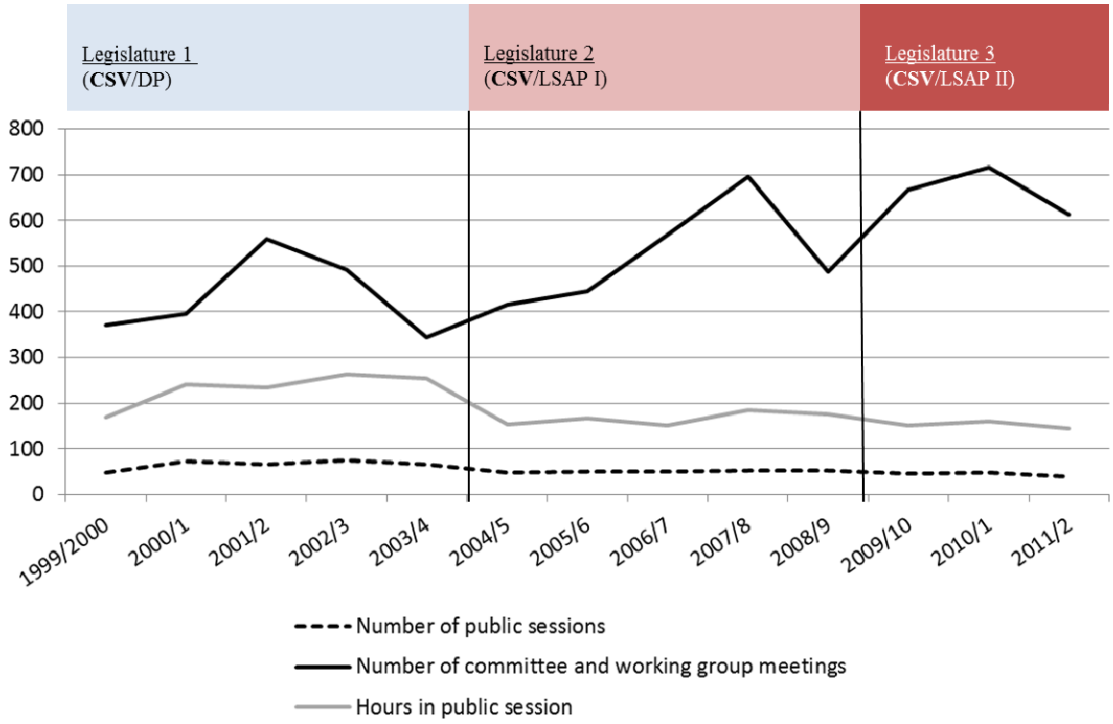
of parliament agrees on an exception (art. 20(2, 3) RoP 2007-2012, art. 19(2, 3) RoP 2000-2003, art. 19(1,2) RoP 1999). Committee meetings may be initiated by other MPs too, if at least three of them or one political faction or technical group asks for it (art. 20(3) RoP 2007-2012, art. 19(3) RoP 2000-2003, art. 19(2) RoP 1999). The number and character of government bills impacts on the number of required committee meetings, however, committee chairs do not underlie any formal restriction with regard to the frequency they convoke the members.

Interestingly, since 1999, we observe an increase from below 400 to over 600 in the total number of committee and working group meetings (including meetings of the Bureau[94] and the Conference of Presidents[95]). Their numbers peak in 2001/2 and 2007/8 and stay at high levels as of 2009/10. The number of public sessions on the other hand decreased slightly over the years. More significantly, we observe an important diminution of hours spent in public session, from around 250 between 2000/1 and 2003/4, to around 150 between 2004/5 to 2011/2 (Figure 36).

[94] The Bureau consisted of the Speaker, three vice-presidents one of the three largest parties each, seven MPs – three from the CSV, two from the LSAP, and one from the Liberals and the Greens each and the General Secretary, who has no voting right.

[95] The Conference of Presidents is the parliamentary steering organ including the Speaker, the Secretary General and the leaders of all parliamentary factions (art. 26 RoP 1999-2004, art. 28 RoP 2007-11). It is responsible for the organisation of works in the Chamber.

*Figure 36: Number of public sessions, committee and working group meetings and hours in public sessions, 1999/2000-2011/2*




Note: The number of committee and working group meetings includes the meetings of the Bureau and the Conference of Presidents.

The fall of hours spent in public session is a consequence of the reform of **speaking time**. Most importantly, government has been limited in its freedom to take as much time as it wanted.

Split up for different committees, we find that the average number of meetings almost doubled from around 15 in 2000/1 to around 27 in 2010/1. This increase is due to mainly the EAC, which holds a slightly above average amount of meetings until 2003/4, to suddenly more than quadruple its frequency of meetings in 2004/5 to 66 per session. It stayed at around this amount of meetings ever since. This increase of meetings is less

pronounced but remains considerable, adding all committee meeting on immigration to the EAC before it has incorporated the subject. The extension of the EAC's scope to immigration in 2004/5 is consequently not the reason for this increase.

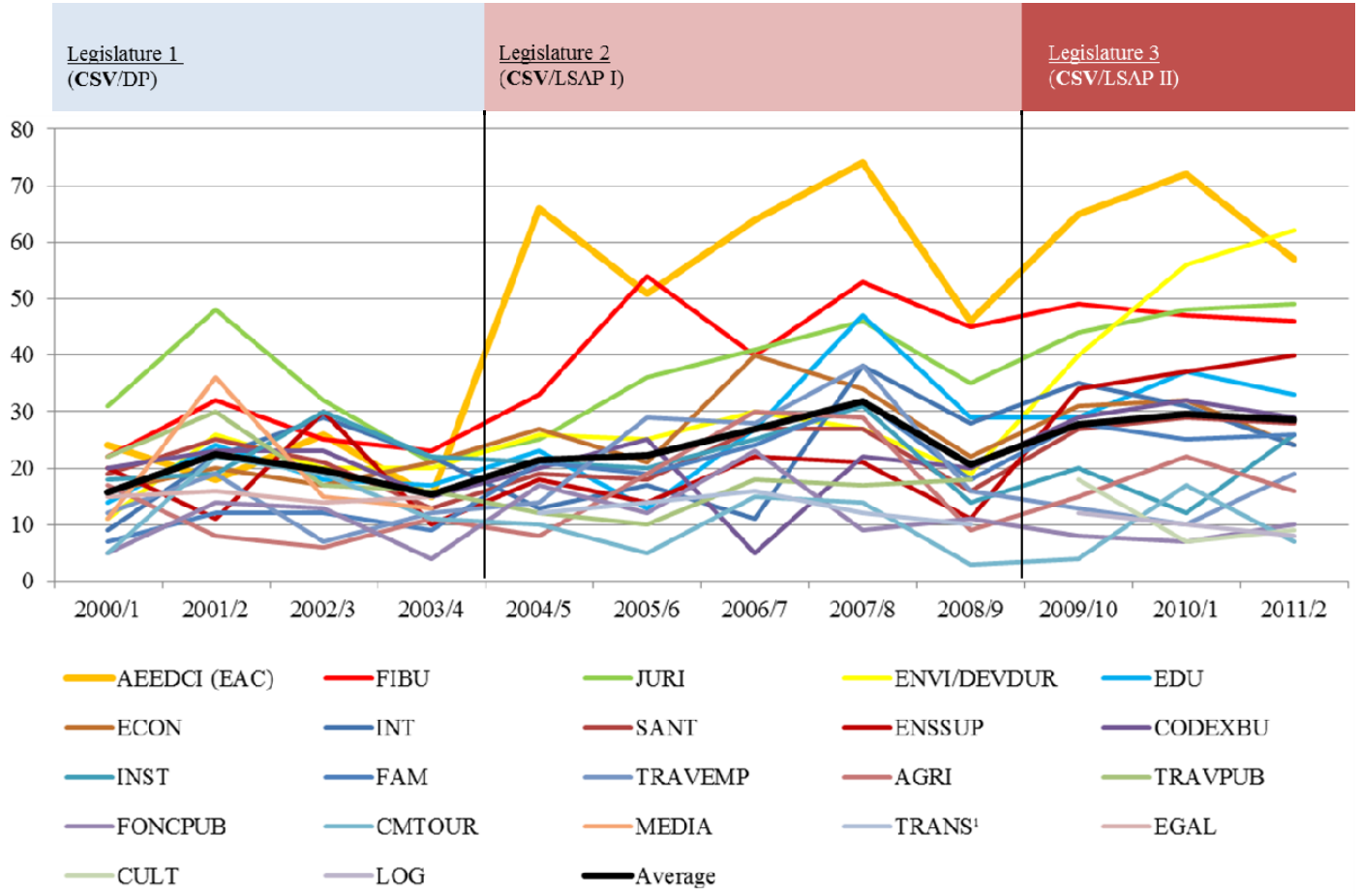
The **EAC** holds the most meetings per session since 2003/4, but it was overtaken once by the Finance and Budget committee (FIBU) in 2005/6 which has witnessed a slightly lower increase of meetings within this period. Just recently, in the 2011/2 session, the Committee for sustainable development (DEVDUR) has bypassed the EAC. This successor committee of the Environment committee has extended its scope and now includes transport which necessitated an increase frequency of meetings since 2009/10. The Justice committee (JURI) ranks third in the total amount of meetings held between 2000/1 and 2011/2. This committee was however always at above average level, with a period of slightly less meetings between 2003/4 and 2004/5 (Table 9, Figure 37 and Figure 38).

*Table 9: Number of meetings by committee, 2000/1-2011/2*

| L[1] | L1 | | | | L2 | | | | | L3 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **committee** | **2000/1** | **2001/2** | **2002/3** | **2003/4** | **2004/5** | **2005/6** | **2006/7** | **2007/8** | **2008/9** | **2009/10** | **2010/1** | **2011/2** | **Total** |
| AEEDCI (EAC) | 24 | 18 | 26 | 15 | 66 | 51 | 64 | 74 | 46 | 65 | 72 | 57 | 578 |
| FIBU | 22 | 32 | 25 | 23 | 33 | 54 | 40 | 53 | 45 | 49 | 47 | 46 | 469 |
| JURI | 31 | 48 | 32 | 21 | 25 | 36 | 41 | 46 | 35 | 44 | 48 | 49 | 456 |
| ENVI/DEVDUR | 11 | 26 | 20 | 20 | 26 | 25 | 30 | 27 | 19 | 40 | 56 | 62 | 362 |
| EDU | 14 | 24 | 18 | 17 | 23 | 13 | 27 | 47 | 29 | 29 | 37 | 33 | 311 |
| ECON | 16 | 20 | 17 | 21 | 27 | 21 | 40 | 34 | 22 | 31 | 32 | 24 | 305 |
| INT | 9 | 22 | 29 | 22 | 13 | 17 | 11 | 38 | 28 | 35 | 31 | 24 | 279 |
| SANT | 19 | 25 | 21 | 13 | 19 | 18 | 27 | 27 | 16 | 27 | 29 | 28 | 269 |
| ENSSUP | 20 | 11 | 30 | 10 | 18 | 14 | 22 | 21 | 11 | 34 | 37 | 40 | 268 |
| CODEXBU | 20 | 23 | 23 | 15 | 20 | 25 | 5 | 22 | 20 | 29 | 32 | 29 | 263 |
| INST | 18 | 19 | 30 | 22 | 21 | 20 | 25 | 31 | 14 | 20 | 12 | 26 | 258 |
| FAM | 7 | 12 | 12 | 9 | 21 | 19 | 24 | 32 | 18 | 28 | 25 | 26 | 233 |
| TRAVEMP | 12 | 19 | 7 | 12 | 14 | 29 | 28 | 38 | 16 | 13 | 10 | 19 | 217 |
| AGRI | 17 | 8 | 6 | 11 | 8 | 19 | 30 | 29 | 9 | 15 | 22 | 16 | 190 |
| TRAVPUB | 22 | 30 | 17 | 16 | 12 | 10 | 18 | 17 | 18 | | | | 160 |
| FONCPUB | 5 | 14 | 13 | 4 | 17 | 12 | 23 | 9 | 11 | 8 | 7 | 10 | 133 |
| CMTOUR | 5 | 22 | 19 | 11 | 10 | 5 | 15 | 14 | 3 | 4 | 17 | 7 | 132 |
| MEDIA | 11 | 36 | 15 | 13 | | | | | | | | | 75 |
| TRANS[2] | | | | | 12 | 14 | 16 | 12 | 10 | | | | 64 |
| EGAL | 15 | 16 | 14 | 15 | | | | | | | | | 60 |
| CULT | | | | | | | | | | 18 | 7 | 9 | 34 |
| LOG | | | | | | | | | | 12 | 10 | 8 | 30 |
| **Total** | **298** | **425** | **374** | **290** | **385** | **402** | **486** | **571** | **370** | **501** | **531** | **513** | **5146** |
| **Average** | **15.68** | **22.37** | **19.68** | **15.26** | **21.39** | **22.33** | **27.00** | **31.72** | **20.56** | **27.83** | **29.50** | **28.50** | **233.91** |

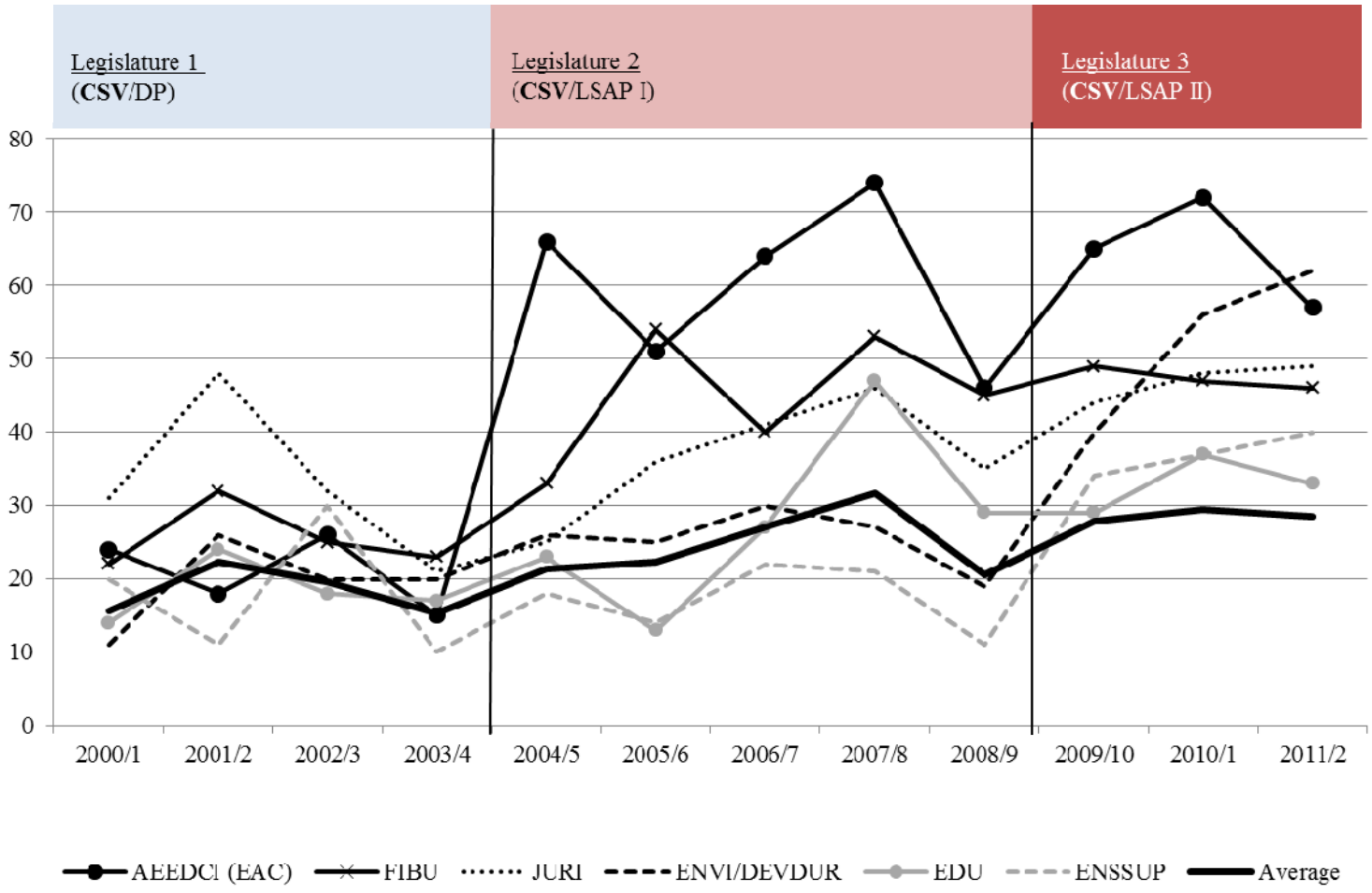
[1] L: Legislature, L1: Legislature 1 (CSV/DP), L2: Legislature 2 (CSV/LSAP I), L3: Legislature 3 (CSV/LSAPII)
[2] incorporated in the DEVDUR as of 2009/10
Note: Committee names and jurisdictions change slightly over the years. This figure indicates the last given name. Compare with committee key in Annex 0 on page 173

*Figure 37: Number of meetings by committee, 2000/01-2011/12*




[1] incorporated in the DEVDUR as of 2009/10
Compare with committee key in Annex 0 on page 173

*Figure 38: Committees contributing to the increase of average committee meetings, 2000/1-2011/2*




Compare with committee key in Annex 0 on page 173

Several interviewees have pointed to the fact that a change in the electoral law reforming the **remuneration of MPs** should be responsible for this development.[96] The new rules foresee a part of MPs income to depend on their presence in committee meetings and the number of votes they attend in public sessions.[97] Since, the "*invisible*" work in the committees is more appreciated, at least in financial terms. Besides the increase in the number of committee meetings, attendance has risen. Since MPs are present, they may as well get into the subject matter and take part in the discussions.[98] Regular committee meetings therefore foster the establishment of expertise among MPs. Taking more often part in committee meetings, MPs get informed and become experts in policy areas. They increase their independence from the party leadership, not least, in case a MP is the single representative of a faction in a committee.

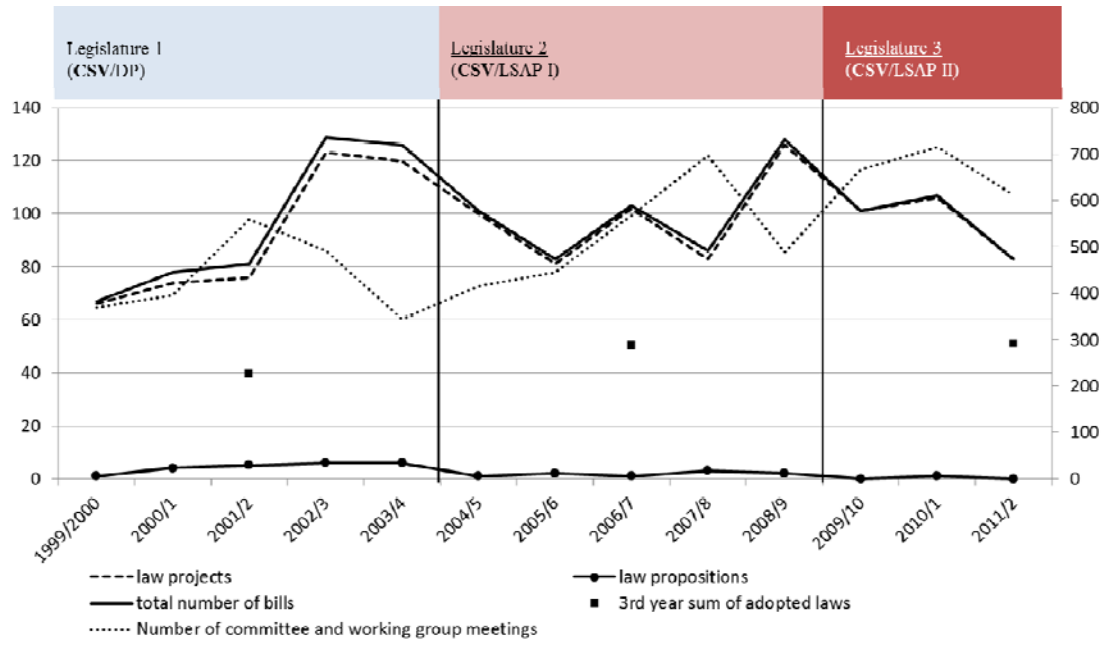
Thus, although we have concluded in section 3.2 that MPs remain generalists due to their multiple committee memberships and the difficulty to specialise under this circumstance, the increase of committee meetings during the period of investigation improves the situation. MPs are more inclined to work alongside the sectoral divisions. This exposure to specialised content may reinforce their expertise.

Besides, the **number of adopted laws** has slightly increased according to the Chamber's records. Summing up the respective laws adopted during the first three years after an election, 226 laws have been adopted until 2001/2, 287 until 2006/7 and 291 until

[96] Clerk of the Chamber of Deputies, face-to-face interview, 10 June 2013, Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013, Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[97] art. 126 de la loi électorale du 18 février 2003, Mémorial A – n° 30 du 21 février 2003, p. 446; doc. parl. 4885.
[98] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

2011/12. More committee meetings are thus necessary for legislative scrutiny (Figure 39).

*Figure 39: Adopted laws per session and type, number of committee and working group meetings, absolute numbers, 1999/2000-2011/2*




The **quality of the introduced bill** influences the number of necessary committee meetings. The parliamentary proceedings have become faster because the urgency procedure became the regular legislative procedure and parliament thus receives draft laws at the same time as the State Council. Parliamentary committees may immediately start working on the legislative texts. However, those texts may be less developed because of the missing opinion of the State Council. Formerly, in case of non-urgency, the requested changes have been incorporated before the bill entered parliament (compare with the discussion of the length of the legislative procedure in section 4.3). But even if a

committee is not concerned with a large quantity of law initiatives, it may work on the preparation of debates with ministers in plenary sessions (Hours of actuality for instance, compare with section 5.1.1). [99]

The number of committee meetings alone does not tell about the **quality of the meetings** or the **hours spent**. Effectively, the number of hours in committee meetings could have stayed the same or dropped. However, no figures are available to examine this possibility. Some interviewees have pointed to an amelioration of the quality of committee meetings, not least, because of the improved presence of MPs.[100]

Furthermore, we have to take into account that more delegation visits take place today and that those visits are counted in the committee meeting time. Bilateral relations have been booming over the last ten years. Especially the contacts in Brussels have grown. However, the domestic business is given priority and may prevent from taking part in all interparliamentary meetings.[101]

[99] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[100] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.
[101] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

The number of meetings is one measure for the activity of committees. Depending on the initiative of government, committees face a varying burden of lawmaking. Which committees are concerned more by lawmaking and thus by the transposition of directives? An examination of the data we have collected on the adopted laws between 1999 and 2011 sheds light on the question. We use a sample of laws for which we have coded the committees involved in their elaboration. The sample contains all laws adopted in every third year after an election, that is 2001, 2006 and 2011. A total of 285 laws make part of this selection.

Over all the three years in the sample, it is the FIBU which has been busy the most with lawmaking, followed by the JURI, the Committee for environment, which became the Committee for sustainable development (ENVI, DEVDUR) and the Committee for foreign and European affairs, defence, cooperation and immigration (AEE, AEEDCI), the Chamber's EAC. These four committees were included in half of the laws (142 out of 285) adopted during those years. Another third of the laws in the sample passed six further committees, and the remaining 20% were dealt with in 11 committees.

Transposition is not every committee's business. Among the four most active committees in lawmaking, only two were concerned with transposition in a larger scale. Out of the 48 laws which went through the FIBU, almost 38% (that is 18 laws) were transposing directives. In the ENVI (and later DEVDUR) around 19% out of the 31 laws under examination transposed directives. The share of transposition laws remains below 10% for the JURI and the AEE/AEEDCI (Table 10).

*Table 10: Adopted laws transposing a directive and not transposing a directive by committee, absolute numbers, sample of laws 2001-2006-2011*

| | year | 2001 | | | year | 2006 | | | year | 2011 | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | committee | no t* | t* | Total | committee | no t* | t* | Total | committee | no t* | t* | Total | no t* | t* | Total |
| 1 | FIBU | 13 | 6 | 19 | FIBU | 11 | 9 | 20 | FIBU | 6 | 3 | 9 | 30 | 18 | 48 |
| 2 | JURI | 11 | 0 | 11 | JURI | 10 | 0 | 10 | JURI | 11 | 3 | 14 | 32 | 3 | 35 |
| 3 | ENVI | 3 | 0 | 3 | ENVI | 3 | 3 | 6 | DEVDUR | 19 | 3 | 22 | 25 | 6 | 31 |
| 4 | AEE (EAC) | 8 | 0 | 8 | AEEDCI | 13 | 2 | 15 | AEEDCI | 5 | 0 | 5 | 26 | 2 | 28 |
| 5 | ECON, TRAN | 2 | 1 | 3 | ECONSP | 5 | 2 | 7 | ECCEES | 9 | 0 | 9 | 16 | 3 | 19 |
| 6 | INT | 4 | 0 | 4 | INT2 | 5 | 0 | 5 | INT3 | 8 | 0 | 8 | 17 | 0 | 17 |
| 7 | SANT | 4 | 2 | 6 | SANT | 4 | 1 | 5 | SANT | 4 | 0 | 4 | 12 | 3 | 15 |
| 8 | ENSSUP1 | 2 | 0 | 2 | ENSSUP1 | 7 | 0 | 7 | ENSSUP2 | 5 | 0 | 5 | 14 | 0 | 14 |
| 9 | TRAVEMP | 3 | 0 | 3 | TRAVEMP | 3 | 4 | 7 | TRAVEMP | 1 | 2 | 3 | 7 | 6 | 13 |
| 10 | TRAVPUB | 9 | 0 | 9 | TRAVPUB | 2 | 0 | 2 | x | | | | 11 | 0 | 11 |
| 11 | FAM | 4 | 0 | 4 | FAM, EGAL | 2 | 0 | 2 | FAM, EGAL | 3 | 0 | 3 | 9 | 0 | 9 |
| 12 | EDUSP | 2 | 0 | 2 | EDU | 2 | 0 | 2 | EDUSP | 4 | 0 | 4 | 8 | 0 | 8 |
| 13 | FONCPUB1 | 0 | 0 | 0 | FONCPUB2 | 5 | 1 | 6 | FONCPUB3 | 1 | 0 | 1 | 6 | 1 | 7 |
| 14 | INST | 0 | 0 | 0 | INST | 3 | 1 | 4 | INST | 2 | 0 | 2 | 5 | 1 | 6 |
| 15 | CMTOUR, LOG | 1 | 0 | 1 | CMTOUR, LOG | 2 | 0 | 2 | CMTOUR | 2 | 0 | 2 | 5 | 0 | 5 |
| 16 | CODEXBU | 2 | 0 | 2 | CODEXBU | 2 | 0 | 2 | CODEXBU | 1 | 0 | 1 | 5 | 0 | 5 |
| 17 | x | | | | TRANS | 4 | 0 | 4 | x | | | | 4 | 0 | 4 |
| 18 | EGAL | 2 | 1 | 3 | x | | | | x | | | | 2 | 1 | 3 |
| 19 | AGRI | 1 | 0 | 1 | AGRI | 1 | 0 | 1 | AGRI | 1 | 0 | 1 | 2 | 0 | 2 |
| 20 | MEDIA | 1 | 1 | 2 | x | | | | x | | | | 1 | 1 | 2 |
| 21 | x | | | | x | | | | CULT | 2 | 0 | 2 | 2 | 0 | 2 |
| 22 | x | | | | x | | | | LOG | 0 | 0 | 0 | 0 | 0 | 0 |
| | Total | 72 | 11 | 83 | Total | 84 | 23 | 107 | Total | 84 | 11 | 95 | 240 | 45 | 285 |

Note: no t*: law not transposing a directive, t*: law transposing a directive
Compare with the committee key in Annex 0 on page 173

Even though the increase in the number of committee meetings could lead to the impression of more specialisation and a better scrutiny the higher number of adopted bills has to be taken into account. This increase simply requires MPs to spend more time in committee. Therefore, the time spent on one bill does not necessarily increase and lead to an improved scrutiny. However, for three out of the four most active committees, this is well the case: FIBU, JURI and EAC spend more time by bill (Table 11).

*Table 11: Laws and meetings by committee, absolute numbers, sample of laws 2001-2006-2011*

| | 2001 | | | | 2006 | | | | 2011 | | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | committee | laws | meetings | ratio | committee | laws | meetings | ratio | committee | laws | meetings | ratio | laws | meetings | ratio |
| 1 | FIBU | 19 | 22 | 0.9 | FIBU | 20 | 54 | 0.4 | FIBU | 9 | 47 | 0.2 | 48 | 123 | 0.4 |
| 2 | JURI | 11 | 31 | 0.4 | JURI | 10 | 36 | 0.3 | JURI | 14 | 48 | 0.3 | 35 | 115 | 0.3 |
| 3 | ENVI | 3 | 11 | 0.3 | ENVI | 6 | 25 | 0.2 | DEVDUR | 22 | 56 | 0.4 | 31 | 92 | 0.3 |
| 4 | AEE (EAC) | 8 | 24 | 0.3 | AEEDCI (EAC) | 15 | 51 | 0.3 | AEEDCI (EAC) | 5 | 72 | 0.1 | 28 | 147 | 0.2 |
| 5 | ECON, TRAN | 3 | 16 | 0.2 | ECONSP | 7 | 21 | 0.3 | ECCEES | 9 | 32 | 0.3 | 19 | 69 | 0.3 |
| 6 | INT | 4 | 9 | 0.4 | INT2 | 5 | 17 | 0.3 | INT3 | 8 | 31 | 0.3 | 17 | 57 | 0.3 |
| 7 | SANT | 6 | 19 | 0.3 | SANT | 5 | 18 | 0.3 | SANT | 4 | 29 | 0.1 | 15 | 66 | 0.2 |
| 8 | ENSSUP1 | 2 | 20 | 0.1 | ENSSUP1 | 7 | 14 | 0.5 | ENSSUP2 | 5 | 37 | 0.1 | 14 | 71 | 0.2 |
| 9 | TRAVEMP | 3 | 20 | 0.2 | TRAVEMP | 7 | 29 | 0.2 | TRAVEMP | 3 | 10 | 0.3 | 13 | 59 | 0.2 |
| 10 | TRAVPUB | 9 | 22 | 0.4 | TRAVPUB | 2 | 10 | 0.2 | x | | | | 11 | 32 | 0.3 |
| 11 | FAM | 4 | 7 | 0.6 | FAM, EGAL | 2 | 19 | 0.1 | FAM, EGAL | 3 | 25 | 0.1 | 9 | 51 | 0.2 |
| 12 | EDUSP | 2 | 14 | 0.1 | EDU | 2 | 13 | 0.2 | EDUSP | 4 | 37 | 0.1 | 8 | 64 | 0.1 |
| 13 | FONCPUB1 | 0 | 5 | 0.0 | FONCPUB2 | 6 | 12 | 0.5 | FONCPUB3 | 1 | 7 | 0.1 | 7 | 24 | 0.3 |
| 14 | INST | 0 | 18 | 0.0 | INST | 4 | 20 | 0.2 | INST | 2 | 12 | 0.2 | 6 | 50 | 0.1 |
| 15 | CMTOUR, LOG | 1 | 5 | 0.2 | CMTOUR, LOG | 2 | 5 | 0.4 | CMTOUR | 2 | 17 | 0.1 | 5 | 27 | 0.2 |
| 16 | CODEXBU | 2 | 20 | 0.1 | CODEXBU | 2 | 25 | 0.1 | CODEXBU | 1 | 32 | 0.0 | 5 | 77 | 0.1 |
| 17 | x | | | | TRANS | 4 | 14 | 0.3 | x | | | | 4 | 14 | 0.3 |
| 18 | EGAL | 3 | 15 | 0.2 | x | | | | x | | | | 3 | 15 | 0.2 |
| 19 | AGRI | 1 | 17 | 0.1 | AGRI | 1 | 19 | 0.1 | AGRI | 1 | 22 | 0.0 | 2 | 58 | 0.0 |
| 20 | MEDIA | 2 | 11 | 0.2 | x | | | | x | | | | 2 | 11 | 0.2 |
| 21 | x | | | | x | | | | CULT | 2 | 7 | 0.3 | 2 | 7 | 0.3 |
| 22 | x | | | | x | | | | LOG | 0 | 10 | 0.0 | 0 | 10 | 0.0 |
| | Total | 83 | 306 | 0.3 | Total | 107 | 402 | 0.3 | Total | 95 | 531 | 0.2 | 285 | 1239 | 0.2 |

Compare with the committee key in Annex 0 on page 173

### 3.3.2. Structural scrutiny potential and intensity

In this section we propose two indices which help examining the evolution of structural scrutiny over time. What is more, they open up possibilities for comparison between legislatures in future research. The first measure we introduce is a **Structural scrutiny potential (SSP)**. It is based on the average number of legislative committee memberships by MP (LM) as outlined in section 3.2.1 and the number of legislative committees (LC) installed in a parliament.

For Luxembourg, we are able to calculate the SSP over time and with accuracy concerning the actual number of established committees and their size of membership (Equation 2). The SSP indicates whether MPs are potentially able to invest time in the scrutiny of legislative proposals. The number of legislative committees is however not independent from the average committee membership by MP. If the number of legislative committees increases, the average legislative committee membership by MP goes up too, given a stable assembly size. Thus, this measure is especially useful for comparative research between parliaments, as their number of MPs in most cases does not vary.

*Equation 2: Structural scrutiny potential index (SSP)*

$$\mathbf{SSP} = \frac{LC}{LM}$$

LC: Number of legislative committees
LM: Average legislative committee membership by MP

Not surprisingly, the SSP only slightly changes in the period under investigation and with regard to the Luxembourgish parliament. The number of MPs remains constant and

structures too are rather stable between 2000/1 and 2010/1. The development indicates that the SSP was the highest for Legislature 2 (CSV/LSAP I) between 2004/5 and 2008/9. This is due to the fact that the number of seats in committees has decreased in this legislative period and thus the number of committee memberships by individual MP decreased (Figure 40 and Table 13 at the end of this section).

Thus, while committees serve as opportunity structure to gain policy expertise and exert parliamentary scrutiny, the practical possibility to use this opportunity is dependent on the **average number of committee memberships by MP/size of parliament-ratio**. A low number of MPs demands a higher number of committee memberships, given that the number of committees is constant. Given time constraints, the less committee memberships the more expertise develops.

The Chamber ranges among the assemblies which require MPs to sit in a rather large amount of committees. Compared to other European countries, only the Netherlands range higher, where one MP is member of around 4.1 committees. Luxembourg is ranked second, with 4.0 committee memberships per MP, just before Austria, where MPs attend 2.8 committees. In some NPs the ratio is 1:1, which seems to be the ideal: An MP may thus focus on his/her area of specialisation. This is the case for Finland and Norway, for instance. The strength of legislative scrutiny should thus take into account the opportunity structure, that is the number of committees and the capacity of MPs to become expert and use the possibilities. For a measure of legislative scrutiny potential we thus weight the opportunity structure by the potential to make use of it. A ranking of European NPs on

the so-developed **Structural scrutiny potential (SSP)** reveals that the Chamber may be seen as the weakest scrutinizer, although it finds itself among the highest de-centralised NPs (Table 12).

*Table 12: SSP in 16 European countries*

| | LC[1] | No. of MPs | Committee size[1] | No. of committee seats | LM | SSP |
|---|---|---|---|---|---|---|
| Germany | 21 | 622 | 28 | 588 | 0.9 | 22.2 |
| Sweden | 16 | 349 | 17 | 272 | 0.8 | 20.5 |
| Italy | 16 | 630 | 43 | 688 | 1.1 | 14.7 |
| Norway | 12 | 169 | 14 | 168 | 1.0 | 12.1 |
| Finland | 12 | 200 | 17 | 204 | 1.0 | 11.8 |
| Denmark | 23 | 179 | 17 | 391 | 2.2 | 10.5 |
| Portugal | 12 | 230 | 24 | 288 | 1.3 | 9.6 |
| Austria | 24 | 183 | 21 | 504 | 2.8 | 8.7 |
| Spain | 19 | 350 | 41 | 779 | 2.2 | 8.5 |
| Greece | 10 | 300 | 40 | 400 | 1.3 | 7.5 |
| Netherlands | 28 | 150 | 22 | 616 | 4.1 | 6.8 |
| Belgium | 10 | 150 | 22 | 220 | 1.5 | 6.8 |
| France | 6 | 577 | 97 | 582 | 1.0 | 5.9 |
| **Luxembourg** | **22** | **60** | **11** | **242** | **4.0[2]** | **5.5** |
| Ireland | 0 | 166 | 166 | 0 | 0.0 | |
| UK | 0 | 650 | 650 | 0 | 0.0 | |

[1] Source: Martin and Vanberg (2011, p. 44), all other data: own research and calculations
[2] Taking into account the exact number of committee seats available for the period between 1999/2000 and 2011/2, this value averages 3.4 permanent committee memberships by MP.

LC: Number of legislative committees
LM: Average legislative committee membership by MP
SSP: Structural scrutiny potential

Including the frequency of committee meetings by law within the SSP affords us a measure of **Structural scrutiny intensity (SSI)**. We thus divide the number of committee meetings (LM) by the total number of laws (L). The SSI of the Chamber is calculated by multiplying the result with the SSP (Equation 3).

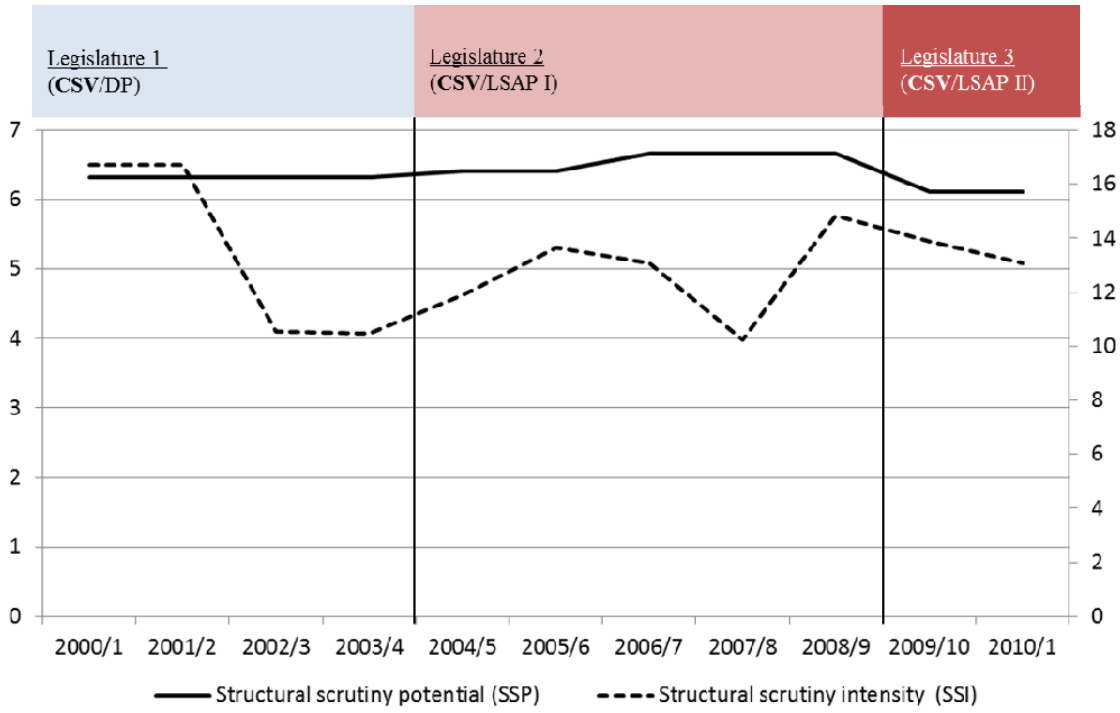
*Equation 3: Structural scrutiny intensity index (SSI)*

$$SSI = \frac{LCM}{L} * SSP$$

LCM: Number of legislative committee meetings
L: Total number of laws
SSP: Structural scrutiny potential

If the SSP is high, the number of meetings necessary to scrutinize a legislative proposal should be lower, given a stable number of laws. For instance, if we have 100 laws in a parliamentary year and a constant SSP of 10, the SSI varies depending on the number of legislative committee meetings (LCM). The increase of LCM we have witnessed over our period under investigation thus intensifies the scrutiny of laws. However, no clear trend reveals regarding the SSI and thus the establishment of expertise among MPs (Figure 40 and Table 13).

*Figure 40: Indices of structural scrutiny potential and intensity, 2000/1-2010/1*




SSP and SSI could still be refined regarding the actual memberships of MPs in committees (contrary to the average committee membership by MP). What is more, the number of laws is not uniformly distributed over committees, as we have seen in section 3.3.1. Thus, committee memberships are not equally time consuming.

*Table 13: Structural scrutiny potentials and strength, 2000/1-2010/1*

| | Legislature 1 | | | | Legislature 2 | | | | | Legislature 3 | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2000/1 | 2001/2 | 2002/3 | 2003/4 | 2004/5 | 2005/6 | 2006/7 | 2007/8 | 2008/9 | 2009/10 | 2010/1 |
| LC | 22 | 22 | 22 | 22 | 20 | 20 | 22 | 22 | 22 | 22 | 22 |
| LM | 3.5 | 3.5 | 3.5 | 3.5 | 3.1 | 3.1 | 3.3 | 3.3 | 3.3 | 3.6 | 3.6 |
| SSP | 6.3 | 6.3 | 6.3 | 6.3 | 6.4 | 6.4 | 6.7 | 6.7 | 6.7 | 6.1 | 6.1 |
| LCM | 209 | 209 | 209 | 209 | 187 | 187 | 198 | 198 | 198 | 216 | 216 |
| L | 79 | 79 | 125 | 126 | 101 | 88 | 101 | 129 | 89 | 95 | 101 |
| SSI | 16.7 | 16.7 | 10.6 | 10.5 | 11.9 | 13.6 | 13.1 | 10.2 | 14.8 | 13.9 | 13.1 |

LC: Number of legislative committees
LM: Average legislative committee membership by MP
SSP: Structural scrutiny potential
LCM: Number of permanent committee meetings
L: Number of laws
SSI: Structural scrutiny intensity

### 3.3.3. Summary and conclusions: Scrutiny in committee

Committee work creates experts and control. We have focussed on legislative committees in this chapter, that is the permanent committees. Curiously, there is a clear trend towards more committee meetings in the Chamber, to the detriment of hours spent in public sessions. Responsible for this trend are three permanent committees mainly: The Committee for foreign and European affairs, defence, cooperation and immigration (AEEDCI), the Finance and Budget committee (FIBU), and the Committee for sustainable development (DEVDUR). The Justice committee (JURI) also increased its number of meetings immensely during the last two legislatures. However, it was already at high levels in Legislature 1 (CSV/DP). Changes in the incentive structure (remuneration of presence in committee), and an increase of incoming government bills make this trend further comprehensible. It fits in this regards that FIBU, JURI, DEVDUR and AEEDCI have been the locus of the highest number of bills over three sample years (2001-2006-2011).

In order to arrive at a measure for the **Structural scrutiny potential of a legislature (SSP)** we propose not only to take into account the overall number of committees but also the MPs capacity to specialise (average number of committee memberships by MP), which is especially difficult for small legislatures. In comparative perspective, it shows that Luxembourg drops from the top of the ranking to the bottom: While the number of committees is high in the Chamber, its size prevents MPs from becoming expert, taking into account their high number of committee memberships. Over the period of

investigation, this rather low scrutiny potential only increases in the second half of Legislature 2 (CSV/LSAP I), that is between 2006/7 and 2008/9.

In a further step, we calculate a legislature's **Structural scrutiny intensity (SSI)** by taking into account this scrutiny potential and the number of committee meetings by law. This index of scrutiny intensity varies during the period under investigation, depending partly on electoral cycles. Comparative data is lacking in order to better estimate the Chamber's performance regarding this second index. Most importantly, we do not dispose about data on the number of committee meetings in other legislatures. Data collection for comparative purposes exceeds the purpose of this thesis and remains up to future research.

## *3.4. Summary and conclusions: Scrutiny potential through parliamentary committees*

The chapter was concerned with the investigation of the internal organisation of the Luxembourgish Chamber of Deputies (ChD) as opportunity structure for exercising parliamentary control more generally and legislative scrutiny more particularly. The investigation of parliamentary structures focussed on the most important organisational feature of parliament: The committee system. The decentralisation of parliament by committees is said to increase parliamentary control (Martin and Vanberg, 2011; Norton, 1998, 1996b; Strøm, 1990).

Within the first section, we explored the different **types of committees and their functions**. On the one hand it maintains a stable and high number of permanent committees for legislative scrutiny, which mirror ministerial jurisdictions. One group of those permanent committees is however concerned with regulatory functions. Those committees overview parliament internal matters (the parliament's Account committee, and the Committee for the rules of procedures), exert control on the Secret Service and regard petitions. No ministry directly corresponds to them but they are permanent.

On the other hand more flexible forms of committees exist which are employed for **special missions**. The special committees are one example which is however not often used in the Chamber and their number has still declined in recent years. Sub-committees of permanent committees have been established more often instead. However, they do not dispose about the same amount of human resources (that is MPs) as their mother committees. The Chamber is thus well equipped with committees in terms of their numbers and their diversity in function, but their total number decreases slightly over the years. This is a good starting point for parliamentary control, but not the end of the story as some may think. Such more flexible committee types were used in order to deal with EU matters. This may be seen as evidence for the reactivity of the Chamber when it comes to European matters and the flexibility of the committee structure.

A second important feature of committees is their **composition**. In the Chamber, they are "*staffed*" by proportional party representation and hold between 5 and 13 members. The bargain over who enters which committees is done in the party factions. We devoted

much attention to investigate committee chair allocation in this section. The extent of a serious legislative scrutiny lies much in the hands of the chairs and requires party-independent mind. They may be seen as the best of the experts in the committee as he/she takes over many of the legislative reports necessary for the adoption of a law. A skilful handling of diverging opinions within the committee and of opposing stances to the minister, the largest possible inclusion of opposition views and a well-prepared organisation of committee matters increase a chair's reputation and may give him or her a large authority in a policy field.

All but one permanent committee chairs are filled with MPs of the governing factions, corresponding to the party affiliation of the minister in place. The Control committee for budgetary execution (CODEXBU) is the exception and is no lawmaking committee in the strict sense. It has an important function in overviewing government spending and was thus considered more credible when chaired by an opposition MP. The opposition chairs the regulatory committees since 1999/2000 and we may speak of a major shift in paradigm in committee chair allocation since then. However, regulatory committees are not among the most contested ones if a MP wishes to gain public attention.

In the **third section** of this chapter, we have investigated committee behaviour more closely. Committee work has become more important in the period under investigation as the increase in the number of meetings shows. Lawmaking is an important trigger for this increase, with the main legislative committees facing the largest increase in the number of meetings: The Committee for foreign and European affairs, defence, cooperation and

immigration (AEEDCI, EAC), the Finance and Budget committee (FIBU), and the Committee for sustainable development (DEVDUR), besides the Justice committee (JURI) which has always been among the main legislative committees.

In the **final part** of this section, we develop the following argument: Structural factors alone only demonstrate a certain potential for scrutiny. Whether this potential is exploited depends on the capacity of MPs to become expert in a field. MPs who are member of numerous committees may specialise less easily than members of one or few committees. While the potential for scrutiny is high in the Chamber thanks to its decentralised committee structure, the small size of parliament hampers the development of expertise and thus effective scrutiny. Although the total number of committee seats decreased in the Legislature 2 (CSV/LSAP 1) and remained stable in Legislature 3 (CSV/LSAP II), it stays at high levels. The 60 MPs of the Chamber hold on the average 4.6 committee seats, a number which decreases in Legislature 2 (CSV/LSAP I) and subsequently remains stable. Compared to other European assemblies, scrutiny capacity in Luxembourg is very low. It importantly decreases the Structural scrutiny potential (SSP) by simple time constraints.

For calculating the Structural Scrutiny Intensity (SSI), we take into account not only the SSP but also the number of committee meetings by law. This measure of scrutiny intensity varies during the period under investigation, depending partly on electoral cycles. Comparative research will need to evaluate the use of those indices.

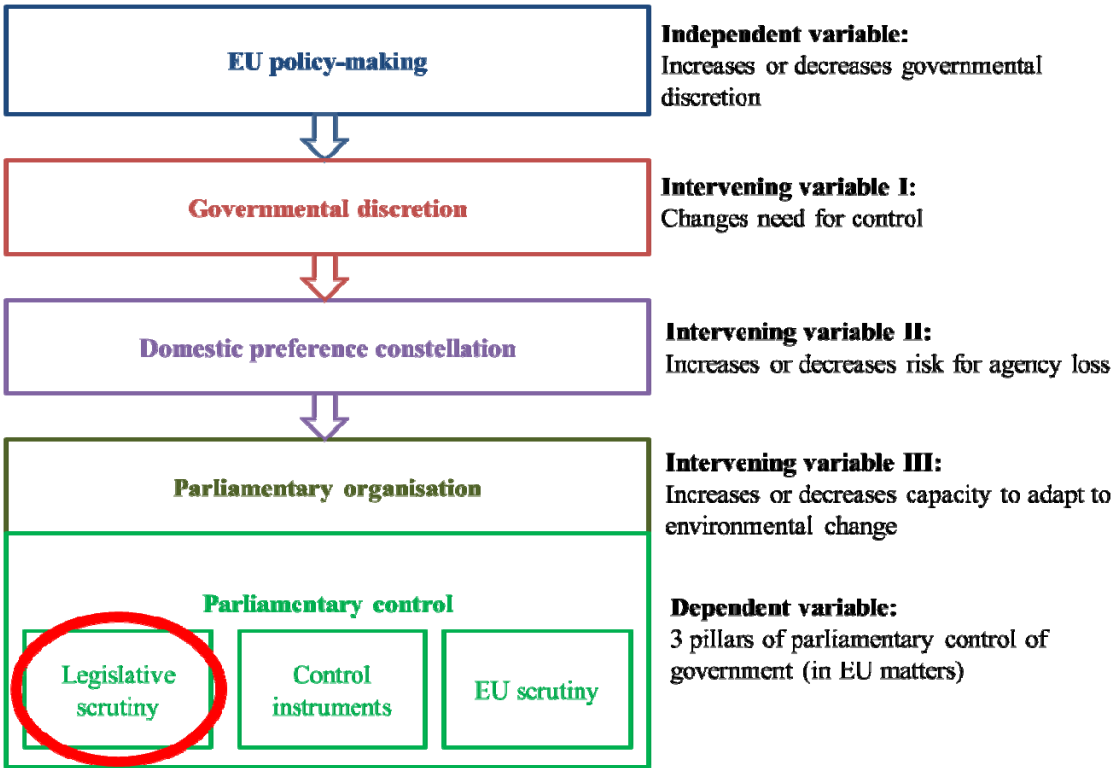
Although the high number of committees and the decentralisation of the Chamber suggest a great scrutiny capacity, rather than specialists, Luxembourgish MPs remain generalists if we take into account the size of parliament. However, the increase in committee meetings should have a positive effect on the expertise of MPs, even if the quality of laws and the deletion of the urgency procedure fostered their increase, as well as the slight increase in the number of laws. Furthermore, meetings also serve to prepare debates and delegation visits and are thus not used for scrutiny. However, three of the most active committees, that is the FIBU, the JURI, and the EAC, use more meetings per law in 2011 than in 2001. This could point to an increase in legislative scrutiny. Still, if the number as well as the presence of MPs in committee meetings increases, expertise is fostered. Consequently, the independence of committees from ministers is facilitated, depending on the ability of the committee chair.

Summing up, the parliament has all cards in hands as its internal organisation permits scrutiny. This potential could however be better used. To improve the situation, parliament would have to increase its resources and support for MPs. Allowing for more opposition chairs could also increase scrutiny.

# Chapter 4. Legislative scrutiny

This chapter is concerned with the first pillar of parliamentary control: Legislative scrutiny and the question of control and influence on governmental bills of domestic and European origin. More particularly, we compare ordinary laws with laws transposing a directive on three indicators for legislative scrutiny strength, that is amendments, final votes and the length of the legislative process. The aim is to arrive at a general evaluation of the legislative scrutiny of the Chamber (ChD) within the period of investigation, that is between 1999 and 2011 (Figure 41).

*Figure 41: The model of enquiry - Legislative scrutiny*



The first section of this chapter is devoted to the analysis of **amendments**. This includes an outline on the formal rules on amendments as well as the practice of how they are handled within the Chamber. The distinction between amended laws of domestic and European origin adds another level to this analysis and allows us to evaluate whether legislative scrutiny differs between transposition and ordinary laws. What is more, we attempt an estimation of the influence of parliament on laws by comparing draft laws at their deposition in parliament and final bills.

We consecrate a second section of this chapter to the analysis of **final votes** in the Chamber. Again, formal rules on the adoption of laws are examined first, and in a second step the patterns of parliamentary behaviour. We account for the adaptation of control in EU matters and distinguish between voting patterns on transposition laws and other laws.
In the last section, we investigate the **length of the legislative process** as third indicator for legislative scrutiny. We identify the factors which may influence the pace of legislative process in formal terms, most importantly the actors involved in lawmaking and the characteristics of a bill. Then we check in the data, how the duration of a bill in parliament has changed within the period under investigation and for which reasons. This chapter concludes with an overall evaluation of the legislative scrutiny strength of the Chamber.

## *4.1. Amendments*

Amendments are one expression of parliamentary influence on laws and one of the most important tasks of parliament and legislative committees more particularly. The right to

amend and divide articles as well as proposed amendments is enshrined in the Constitution (art. 66 C). The examination of the formal rules on amendments, the number of amended domestic and Europeanised laws and the influence of amendments on the content of laws will give a first insight on the general impact of the Chamber on laws. Based on the findings of Dumont and Spreitzer (2012), we investigate whether Europeanised laws underlie stronger amendment activity than laws of domestic origin, and why.

### 4.1.1. Formal rules on amendments and practice of amending legislation

The formal rules on amendments have changed in the Chamber. Until 2003, the Rules of Procedure (RoP) foresaw that an amendment had to be supported by a minimum of five MPs in order to be considered in committee (art. 67(2) RoP (1999-2000)). This rule was however never practised in the strict sense and therefore abolished. Amendments in committee occur mostly during the discussion and are not introduced in written form.[102] In plenary session, this limitation still holds – an amendment is only put on the agenda if five MPs support it (art. 68(1) RoP (1999-2003) and art. 72(1) RoP (2007-2012)). To this end, the vote on the bill as a whole is substituted by a vote by article (art. 65 C). In case these amendments would need further study the report is sent back to the committee.

All amendments – introduced by the government or MPs – have in principle to be approved by the State Council (art. 83bis. C). If the State Council fails to bring in its opinion before the draft law is voted as a whole, the Chamber may still proceed to vote

[102] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

each of its articles. This does not dispense the final vote, but serves as the starting point of a period of three months within which the State Council gets a last chance to provide its opinion. If the vote by article dates back to more than three months and the State Council has not responded the Chamber may hold the final vote on the whole text of the law and thus adopt the law (art. 70(1) resp. 66(1) RoP (2000-2012) and art. 66(1) RoP (1999-1999)). The State Council as such holds a suspensive veto of three months with regard to (plenary) amendments too (compare with Figure 19 at page 37).[103]

Within parliament, amendment activity takes place in committees. Only in exceptional cases, amendments initiated in public session are supported by a sufficient majority of MPs. Although amendments are either attributed to government, parliament or both, interviews reveal similar to what Mattson (1995) states: The origin of an amendment is difficult to evaluate. While its title attributes it as either "*amendement gouvernemental*" or "*amendement parlementaire*", this does not necessarily mean that government or parliament stands behind the changes. Especially in committee, those attributes become superfluous. As the Chamber does not dispose of experts in all sub-fields of legislation, government serves as agent when it comes to drafting amendments.[104] What is more, government accommodates MPs, of the majority factions and of opposition parties, as much as possible.[105] If an amendment is very technical the committee asks the government representative during their meetings to draft amendments for them and even

[103] No deadline applies a priori for amendments introduced in committee. Parliament could however advance to a vote article by article without the opinion of the State Council. In this case, parliament forces the State Council to submit its evaluation within a period of three months. This is however never done in practice and the State Council enjoys large discretion in the time it takes to deliver its opinion.
[104] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[105] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

so when the idea and proposal to the amendment came from members of the committee. This does however not mean that the amendment would be labelled "*government amendment*", quite the contrary.

Government on the other hand, often asks in the committee to attribute an amendment parliamentary (committee) status. The advantage is that the amendment may be decided quicker as it bypasses the ministerial college and directly goes to the State Council for approval. Formally, a law project is a common enterprise of the ministerial college. All ministers collectively have to approve a text before parliament is engaged. If the text is amended by a ministry during the legislative process, the college has again to formally agree to the amendment. Those have to be sent to the ministerial college at the latest one week before the meeting. Depending on the agenda of ministerial college, this requires some time not least, because amendments may not range among the top priorities of the ministerial college. Then they enter parliament and discussions only start. Thus, at least two weeks are consumed with such proceeding which may be a long time in some cases.[106]

Mostly, this practice of introducing amendments via the parliamentary committees is due to technical reasons.[107] However, a political dimension may not be totally excluded, as evidence suggests. Some ministers have benefited from the possibility to circumvent the ministerial college by pushing through amendments in parliament although they knew

[106] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, Member of the Chamber of Deputies, face-to-face interview, 26 September 2013, and Ministry official, face-to-face interview, 10 October 2013.
[107] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Ministry official, face-to-face interview, 10 October 2013.

that the other members of government would not approve them. One of the most conflictual topics in the ministerial college is the question of staffing. Every minister would like to increase his/her personnel. However, strict priority lists exist concerning the staffing policy of government, the so-called "*Numerus Clausus*". Ministers have attempted to increase the number of posts attributed to their ministry by law via the way of amendment. In such cases, an experienced committee may prevent such circumvention of the ministerial college if it does not agree to give the amendment the label of parliament initiative.[108]

Cooperation between government and parliament could go even so far, that after government representatives have asked MPs to "*take over*" their amendments, the committee asks government representatives to draft those.[109] This practice is considered legitimate as it speeds up a rather lengthy legislative procedure.[110] In case amendments are refused or in case no amendment is brought in, the report is directly voted on.

The Chamber alters a large share of draft laws during the legislative process. Almost all amendments are adopted at committee stage (Dumont and Spreitzer, 2012). Adopting an amendment in public session would delay the final adoption of a law significantly, as in this case the State Council needs to be involved again. If amendments are decided in committee negotiations, they are altogether handed in to the State Council and when the committee report is voted on, it normally has delivered its opinion on those amendments.

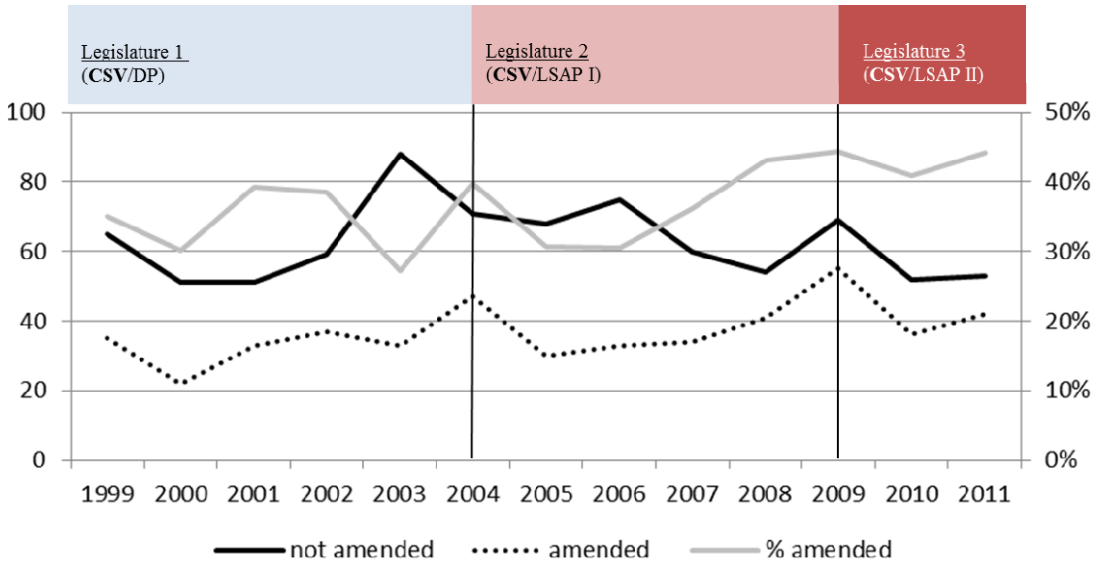
[108] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[109] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012.
[110] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

The adoption of an amendment in public session requires that the same procedure needs to be undergone again. The State Council has to review the amendment and thus increases the length of the legislative procedure. Committees serve to avoid further delay. They smoothen the procedure by striving for consensus and including a maximum of opinions.[111]

An investigation of all laws adopted between 1999 and 2011 was conducted with the purpose of shedding light on whether amendments occurred during the legislative process.[112] An amendment was registered, if such was mentioned in the summary of proceedings found in the online archive of the Chamber. During the whole period, 478 out of 1,294 laws (37%) were amended. Taking into account the total law production, the relative number of amended laws shifted to a higher level in 2008. Between 1999 and 2007, amended laws made up below 40% of all laws. As of 2008, over 40% of laws were amended (Figure 42).[113]

[111] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[112] We investigate all adopted laws within this article rather than the laws in force, as in Dumont and Spreitzer (2012).
[113] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved the required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu or printed minutes of public sessions.

*Figure 42: Amended laws over time, absolute numbers and percentages, 1999-2011*




One explanation for this upward trend may lie in the more stringent review of bills by the State Council. It not only indicates erroneous or misfit content, but proposes an alternative text for passages it considers not to comply with the superior principles of law. While we do not possess exact figures about the amounts of proposals for alternative texts, interviewees indicate that those are frequent. The State Council's work has become more systematic and its review has to take into account an ever increasing amount of international and European norms as well as Court judgements. Also, it corrects more often for formal errors in the texts of bills (compare with section 4.3.1 on the quality of draft laws).[114] While alternative texts penned by the State Council and entering draft laws do not count as an amendment per se, any change on those substitute texts taken over in a bill does.

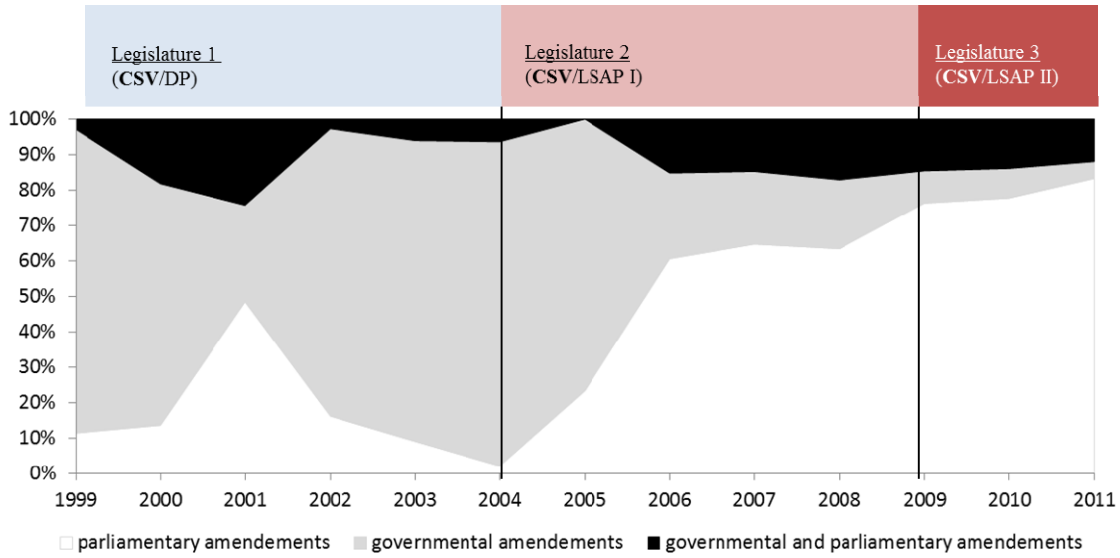
[114] Official of the State Council, face-to-face interview, 3 October 2013, and Official of the State Council, face-to-face interview, 4 October 2013.

A second explanation may be provided by the fact that parliament as well as its factions dispose over a larger pool of staff as well as technical means. In the 1980s still, MPs wrote most texts themselves, be it a law proposition, a report, a parliamentary question or a speech. Today, those editorial tasks are mostly done by faction personnel and the quality of texts, such as committee reports, has clearly improved since (however, at the expense of the spiritedness of speeches, as some claim).[115]

Given that most bills are written by government, the share of laws amended by government (around 44% of all amended laws) seems to be very high. We may qualify this observation by the fact that the initiator of an amendment does not tell about its origin. It gives however a good impression about how closely parliament and government work together. Taking into account that parliament's resources are limited, most of its amendments must be drafted by government in any case. Especially in the recent years, labelled parliamentary amendments have increased considerably at the detriment of governmental amendments. In 2003 and 2004 still, only 9% and 2% of amended laws respectively were declared amended by parliament. In 2005, this percentage climbed up to 23%. The share of amended laws by parliament further increased to more than 60% as of 2006 and 83% in 2011 out of all amended laws (Figure 43).

[115] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013.

*Figure 43: Amended laws by initiators of amendments, percentages, 1999-2011*




Those figures point to a major change in coalition government and executive-legislative relations as of Legislatures 2 (CSV/LSAP I) , that is during the two Juncker/Asselborn governments. While during Legislature 1 (CSV/DP) most amendments went through the ministerial college, the majority of amendments were decided by the committee together with the respective minister since 2006. Hence, the consensus reached by committee work also included the minister, but not necessarily the rest of the government. Rather than the division between parliament and government, sectoral divisions seem to have become more important in the more recent Legislatures. Committee work creates expertise and brings MPs close together with the ministers and staff in the corresponding ministries. Interviews point to a literal strategy of ministers to circumvent the college of ministers, when the latter does not agree on a specific measure.[116] Such strategic

[116] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

behaviours of ministers seem to have increased with the help of the Chamber and could point to a higher level of conflict between the parties in government.

### 4.1.2. Amendment of transposition bills

Law projects carrying the transposition of a directive are formally treated the same way as other law projects in the legislative procedure. However, in practice, they are by far more often amended than laws of domestic origin. This confirms an observation made by Dumont and Spreitzer (2012) on laws adopted in the period between 1986 and 2006. Among the 1,294 laws adopted in the period between 1999 and 2011, around 61% of laws transposing an EU directive were amended compared to 33% of other national laws (Table 14). The share of amended transpositions exceeds the share of amended domestic laws in most of the years, except in 2000 and 2007 (Figure 44).[117]

*Table 14: Percentages of amended laws by source of law, 1999-2011*

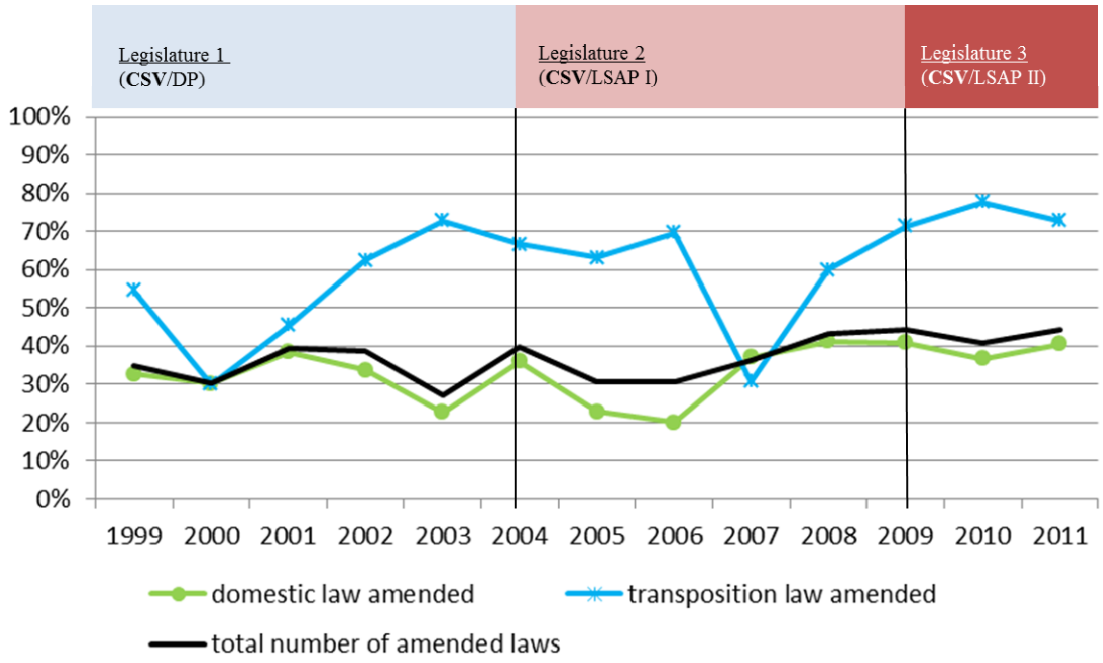
| | *not amended* | *amended* | *Total* |
|---|---|---|---|
| *national law* | *67%* | *33%* | *100% N=1121* |
| *transposition laws* | *39%* | *61%* | *100% N=173* |
| *Total* | *63%* | *37%* | *100% N=1294* |

Phi[118]=0.193

[117] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu or printed minutes of public sessions.

[118] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

*Figure 44: Amended domestic and transposition law, absolute numbers and percentages, 1999-2011*




Phi[119]=0.235

So far, we were dealing with laws that received amendments stemming from parliament and/or government. This first binary variable only tells whether a law witnessed at least one amendment of whatever sort. In how far those amendments had an impact on the bill is however not contained in this measure. Thus, we do not know whether one word was amended because of technical or legal requirements, or whether profound changes were introduced.

Hence, a second approximation for an evaluation of the impact of amendments on bills is provided in order to get more insight on the changes laws undergo in parliament. This measure is based on the length of bills and final laws as measured by the **number of**

[119] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

**words** of a bill and the difference in words of bills and adopted laws. We assume that draft laws that face a major change in the number of words are more thoroughly scrutinised by parliament, than laws that do not see such changes. The length of a bill helps to shed a closer look on the impact of amendments on laws.

We are aware that this measure ignores possible changes which may be introduced by substitution of parts of the text. Amendments surely bring along still other changes to bills, which do not show in the number of words. Such even more in-depth measure requires a content analysis of bills and laws. Because of time constraints and the rather large period of 13 years under investigation, this examination was not possible within the framework of this thesis. Future research should take up such enterprise.

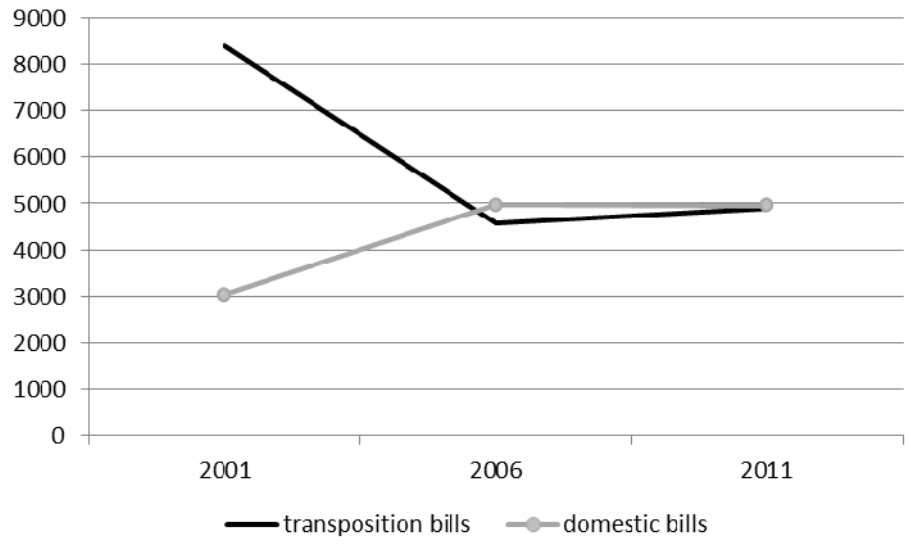
In order to gain more insight into amendments of transposition laws, we take a closer look on the changes laws underwent in parliament. We investigate a sample of 110 laws more closely, that is to say all amended laws adopted in three years 2001, 2006 and 2011. Only 93 were investigated further, as we have excluded budgetary laws, laws introducing international agreements and conventions and laws where parts of parliamentary proceedings were missing. Budgetary laws are treated more closely in chapter five of this thesis. Laws stemming out of international bargaining may not undergo profound changes in parliament anymore. The amendments on them are thus minor and do not reflect the Chamber's possibilities of influence in other areas. 28 of those amended laws out of 93 transposed directives and all of them were amended at committee stage.

The examination of the sample of 93 laws from the years 2001, 2006 and 2011 contains bills including between 88 and 21,725 words. Compared to the 65 amended laws of domestic origin we find that amended transposition laws are on average slightly longer (5,332 in transposition laws compared to 4,405 words in domestic laws) (Table 15). Split into the three years of adoption, it shows that transpositions are more than double the length of domestic laws in 2001. This difference disappears in the subsequent years (Figure 45).

*Table 15: Amended transposition and domestic laws, average length in words and average change and range in percentages, 2001-2006-2011 (N=93)*

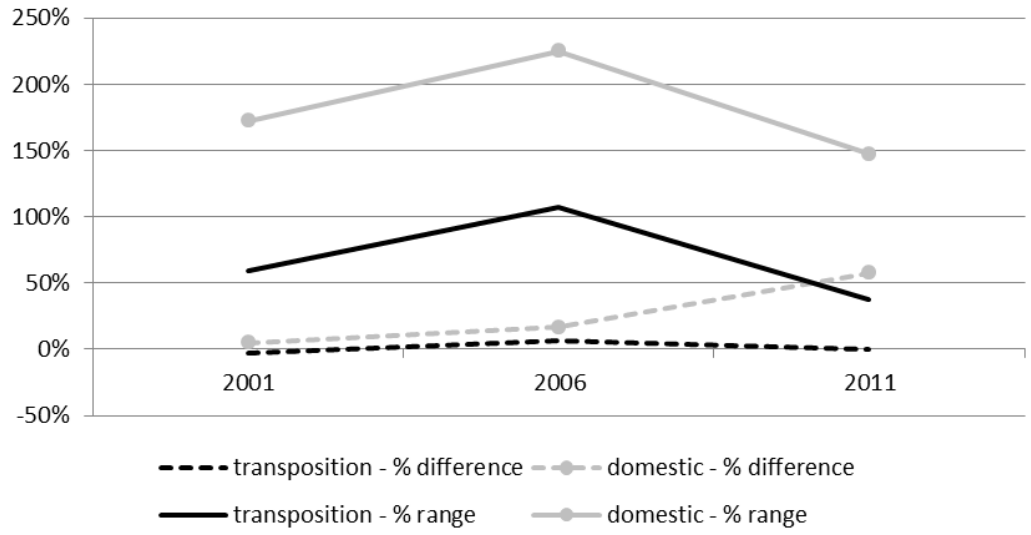
| | *length* | *% change* | *% range* | *N* |
|---|---|---|---|---|
| *transposition law* | *5,332* | *5.1%* | *68.1%* | *28* |
| *domestic law* | *4,405* | *24.9%* | *181.5%* | *65* |
| *total* | *4,687* | *18.8%* | *124.8%* | *93* |

*Figure 45: Average length of transposition and domestic bills, absolute number of words, 2001-2006-2011(N=93)*



We assume that a small amount of changed words points to technical adaptations while large changes hint to profound interventions. Compared to amended bills of domestic origin, the changes introduced by amendments in transpositions are minor. They amount to around 5%, that is draft laws transposing a directive are on the average 5% longer or shorter than the respective final law. If domestic draft laws are amended, their text body faces a 25% change on average in parliament. Few domestic law projects see changes below 10% alteration of the original text (Figure 46).

*Figure 46: Average change bills undergo in parliament, percentages of words, 2001-2006-2011 (N=93)*




Interviews confirm that the increased probability of amendments in transposition laws is caused by formal, technical requirements.[120] Apparently, transposition laws are often very poorly drafted (compare with section 4.3.1).[121] Hence, it is up to the Chamber and the State Council to correct for wrongly transposed provisions but also language mistakes. Some ministry officials write transposition bills in a rather mechanical way. For instance,

[120] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[121] Ministry official, face-to-face interview, 18 October 2013.

it occurred that only words were substituted in the original text of a directive, so that "*the member states should…*" became "*the minister should…*". In the Luxembourigsh context, it however may not be up to the minister but the Grand Duke to act. Such technical substitution of terms is thus error-prone. A rather strict check at draft law stage helps avoiding difficulties at a later stage, as the European Commission checks the accurate transposition of directives. Referring to the directive in a law does not transpose the directive. We may thus conclude that the increased amendment of transposition bills does not originate in the aim of MPs to scrutinize government in EU matters.[122]

Also, interviews point to the decreasing freedom directives leave for the domestic lawmaker over the years.[123] This observation even more confirms the fact that parliament may not give an extensive input in transposition bills. If changes are made, the risk rises that a directive is not correctly transposed. Thus, it rather not touches upon the essence of such bills.[124] This observation may however be policy related, as other respondents have witnessed an increase in the freedom left by directives to the domestic lawmaker.[125]

### 4.1.3. Summary and conclusions: Amendments

One measure of legislative scrutiny is the activity of parliament in amending draft laws. It is one of the main tasks of MPs to control the law initiatives introduced by government.

[122] Official of the State Council, face-to-face interview, 4 October 2013.
[123] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, Official of the State Council, face-to-face interview, 4 October 2013, and Ministry official, face-to-face interview, 28 October 2013.
[124] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[125] Former Member of the Chamber of Deputies and former Minister, face-to-face interview, 29 October 2013.

The discussion of draft laws and their amendment is primarily done in the legislative committees, not least, because individual MPs may introduce them. In plenary they require the support of at least five MPs. In principle, the State Council has to approve every amendment.

The labelled initiator of an amendment is in many cases not the source of an amendment. The Chamber's capacity to draft amendments is very limited and thus government is often delegated this tasks. In return, government regularly asks the committee to introduce its amendments if it wants to circumvent the procedure of approval for governmental amendments, which have to pass through the ministerial college. Some ministers may want to push through amendments via the committee, if they know that government does not agree.

On the average around 37% of all laws adopted between 1999 and 2011 are amended. The trend goes towards more amended laws over time (from 35% in 1999 to 45% in 2011). What is more, the declared parliamentary amendments have increased significantly in Legislatures 2 (CSV/LSAP I) and 3 (CSV/LSAP II). The committees arrive at reaching a consensus not only between their members, but among the committee and the minister. This finding hints to an increased importance of sectoral thinking within policy areas, possibly to the detriment of government unity. More generally, this further fosters the diminution of the importance of the institutional division between parliament and government.

Concerning legislative EU scrutiny serious doubts may be cast on whether the increased amendment activity on transposition bills is of substance. While the share of amended transposition laws almost doubles the share of amended domestic laws, the actual amount of change introduced by parliament points to the technical nature of amendments. Transposition bills are changed to 5% only, compared to domestic bills, which face almost 25% of change counted in the number of words. This implies that legislative scrutiny is stronger and more profound with regard to bills of domestic origin.

## *4.2. Final votes and party cohesion*

Our second measure for legislative scrutiny is final votes on bills in the plenary sessions of the Chamber. While committee meetings take place behind closed doors, the whole assembly has to publicly approve a law. Thus, while bargaining in committee remains in the mist of secrecy, plenary proceedings may shed a light on conflictual issues which have not been resolved in committee. Only in combination with an examination of the work of committees we should thus strive to answer the question whether voting patterns allude to a change in legislative scrutiny. However, the higher the support bills receive in the final vote, the less critical potential tends to exist and this may result in a low level of legislative scrutiny. We thus complete the picture of legislative scrutiny in committees. So far, we have concentrated on the investigation of amendments with important insights on plenary proceedings.

During the following pages, we firstly point to the formal rules on the adoption of bills and their change in the period of investigation. Secondly, we add the results of actual

voting behaviour and inquire differences between transposition laws and other laws. Two indicators serve our evaluation of legislative scrutiny in public session: On the one hand, the share of unanimous votes gives an insight on conflict and consensus in the Chamber (Spreitzer and Timmermans, 2014). On the other hand, party cohesion is investigated in order to estimate government support and opposition behaviour (compare with to Assumption 2 in section 1.1.3).

### 4.2.1. Final votes in the Chamber

It is the Speaker of parliament who is responsible to set draft laws on the **agenda** of the plenary session (art. 73(3) resp. art. 69(3) RoP (1999-2012). If a draft law is not considered to evoke any debate in plenary, a committee may ask the Conference of Presidents to schedule a vote without debate. The Conference of Presidents must agree unanimously on this demand and no opposition may be expressed by one or more MPs on skipping the debate before the plenary session starts (art. 73(4-7) resp. art. 69(4-7) RoP (1999-2012)).

Until June 2004, a vote on each article of a law was obligatory in public session, before a law could be adopted as a whole. Since the constitutional reform of the same year, this obligation is abolished and legislative initiatives are voted on as a whole. A vote on each article may be still demanded by five members of parliament (art. 65 C).[126]

[126] Constitution luxembourgeoise, art. 65 (Révision du 26 mai 2004): «*La Chambre vote sur l'ensemble de la loi. Ce vote intervient toujours par appel nominal. A la demande de cinq députés au moins, le vote sur l'ensemble de la loi peut être précédé par un vote portant sur un ou plusieurs articles de la loi. Le vote par procuration est admis. Nul ne peut toutefois recevoir plus d'une procuration.*».

The Luxemburgish Constitution foresees **two readings** in the legislative process and after an interval of three months (compare with Figure 19 on page 87). The text may not be changed anymore after the first constitutional vote was held. At least one day has to pass after the last changes were adopted and before a second regular vote may be held, unless the Chamber (in agreement with Government until 2000) decides otherwise (art. 74(1-3) resp. art. 70(1-3) RoP (1999-2012)). However, the plenary may decide to dispense the second vote (art. 59 C). The State Council has to agree to this dispense. If it refuses dispense of the second reading, a second constitutional vote is held (art. 75-78 resp. art. 71-74 RoP (1999-2012)). Once the law is adopted by the Chamber, the government as well as the Grand Duke have to sign it. Three days after the publication in the Official journal (Mémorial A) the law enters into force, unless other is foreseen in the law.

The average number of votes approving a bill has jumped to a higher level in 2004. This is due to the fact that the coalition partners have gained on seats in the Chamber. While government was based on 34 seats in Legislature 1 (CSV/DP), it could count on the support of 38 respectively 39 votes in Legislatures 2 and 3 (CSV/LSAP I and II). The average number of votes for a bill is however much higher than the seats occupied by the governing majority. Between 2000 and 2004, adopted bills were supported by below 54 votes on the average. Between 2005 and 2007, more than 56 MPs supported a bill on the annual average. This average decreased again slightly after 2008 to around 55 votes (Figure 47 and Table 16). [127]

[127] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu or printed minutes of public sessions.

*Figure 47: Average number of votes for, votes against and abstentions, 1999-2011*

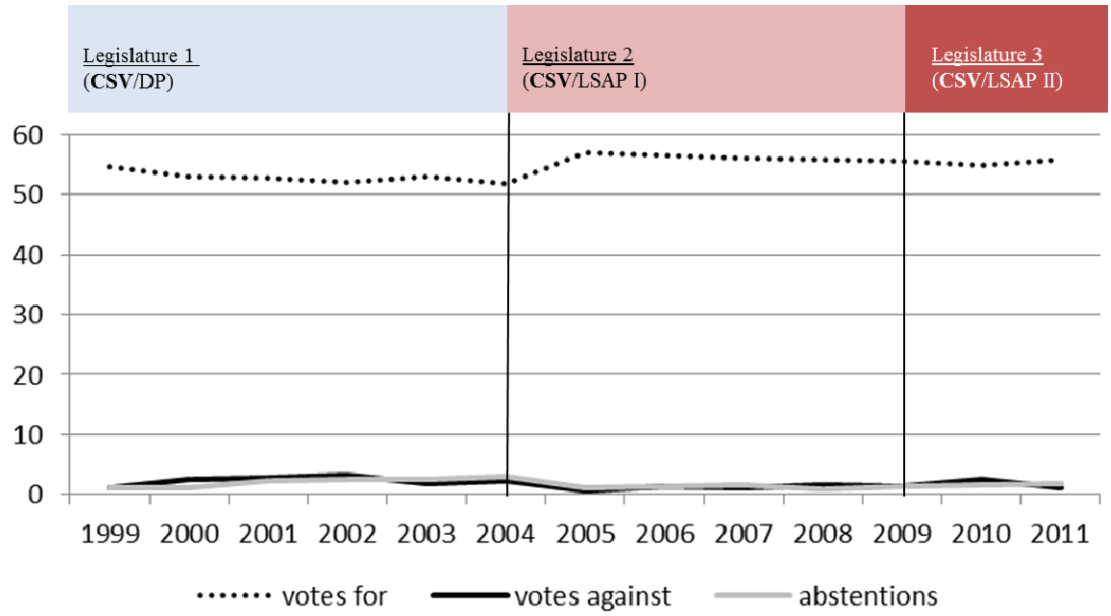



*Table 16: Average number of votes for, votes against and abstentions, 1999-2011*

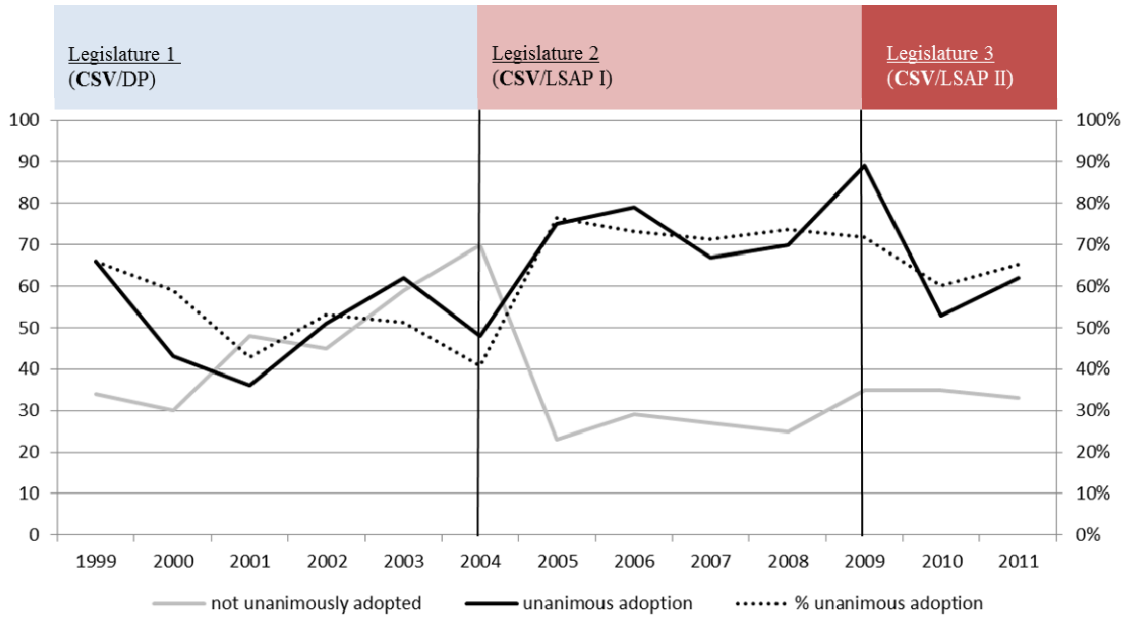
| *L*[1] | *year* | *votes for* | *votes against* | *abstentions* |
|---|---|---|---|---|
| *L1* | *1999* | *54.51* | *1.26* | *1.26* |
| | *2000* | *53.03* | *2.60* | *1.21* |
| | *2001* | *52.65* | *2.74* | *2.39* |
| | *2002* | *51.95* | *3.27* | *2.64* |
| | *2003* | *53.10* | *1.84* | *2.65* |
| *L2* | *2004* | *51.81* | *2.35* | *2.94* |
| | *2005* | *56.88* | *.79* | *1.07* |
| | *2006* | *56.43* | *1.32* | *1.41* |
| | *2007* | *56.05* | *1.17* | *1.54* |
| | *2008* | *55.83* | *1.61* | *.99* |
| *L3* | *2009* | *55.62* | *1.40* | *1.38* |
| | *2010* | *54.86* | *2.55* | *1.51* |
| | *2011* | *55.71* | *1.15* | *1.78* |
| | *Total* | *54.51* | *1.81* | *1.78* |

[1] L: Legislature, L1: Legislature 1 (CSV/DP), L2: Legislature 2 (CSV/LSAP I), L3: Legislature 3 (CSV/LSAPII)

Also, over the years, the amount of laws which pass plenary with unanimous vote increased (Figure 48). This trend fits the observation that Luxembourgish politics became more consensual, most importantly since the adoption of the new media law in the beginning of the 1990s. It allowed a more independent coverage of political events. While newspapers in Luxembourg followed the government line in order not to lose financing, they became more critical since and reported about opposition initiatives too. The media became an important tool in the daily work of opposition parties. Even if committee work runs behind closed doors, opposition may always threaten majority parties to bring issues for the attention of media and what is more, to the public.[128] Another reason for this increase in unanimity might lie in the change of rules on the final adoption of bills. The vote by article, substituted by the vote on the whole bill in 2004, may have made MPs aware of disturbing issues in bills and thus may have provoked more opposition.

[128] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012.

*Figure 48: Unanimous votes, absolute numbers and percentages, 1999-2011*




The increase in unanimous votes after 2004 to a level well above 70% and after 2009 above 60% is in contrast to the voting behaviour in Legislature 1 (CSV/DP). During Legislature 1 (CSV/DP), only around 50% of all bills were adopted without opposition. This development continues a trend since 1990s (Spreitzer and Timmermans, 2014). Interviewees find this trend not surprising when it comes to laws transposing a directive. They point to a large support in European matters, which, in their opinion, is responsible for an uncontested vote.[129]

But also domestic bill projects are mostly **little exploitable** for the purpose of making political capital because of either their rather technical nature or their benefit for the general public. For instance, the start of buildings of a public school normally does not provoke opposition. The right to adopt for homosexual couples on the contrary will not

[129] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

pass unchallenged. Parties have largely moved to the centre in order to capture a maximum of votes. The **convergence of party programmes** is visible in most subject matters, according to interviewees. Only few points remain which truly distinguish parties.[130]

Still other reasons may contribute to this increase in unanimity. One of those may be that party cohesion has increased. Section 4.2.2 examines this possibility and opposition behaviour more generally and its impact on final votes more particularly. Furthermore, **committees** might perform better and arrive at building consensus well before public session. If minority positions are included at committee level, opposition may be inclined to vote in favour of a bill. Clearly, committee chairs work to build and find consensus and cover a largest possible spectrum of opinions in laws.[131] Especially in European matters and foreign affairs, for instance when it comes to the decision to support an EU peace mission, government is very interested in finding a broadest possible consensus and bring in opposition views.[132]

A closer examination of voting patterns in the Chamber's proceedings does however not confirm this argument. If committees were able to increase consensus on bills, this would show in a high correlation between amendments and unanimity. Amended bills should be more prone to be adopted by unanimous vote. The data does however not give indications that the argument holds. It seems that the increase in unanimous votes is not due to more

[130] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[131] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[132] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

successful bargaining at committee level. Quite the contrary, unanimously adopted bills are less often amended at committee level (Table 17).

*Table 17: Unanimous votes by amended bills, 1999-2011*

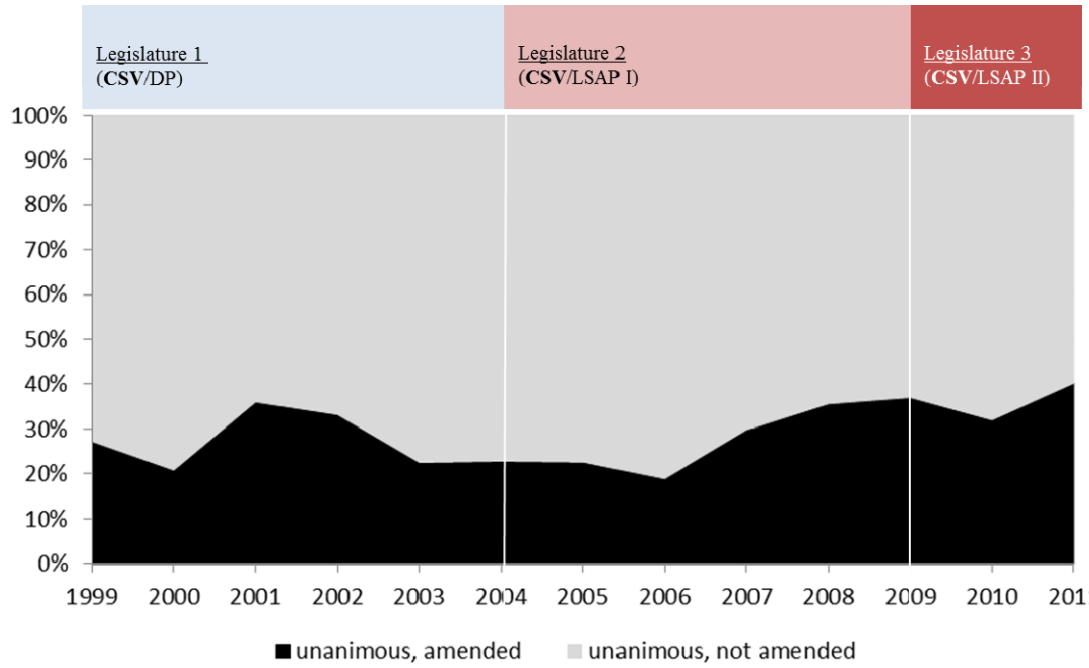
| | *not amended* | *amended* | *total* |
|---|---|---|---|
| *not unanimously adopted* | *50.9%* | *49.1%* | *100% N=499* |
| *unanimously adopted* | *70.7%* | *29.3%* | *100% N=795* |
| *total* | *63.1%* | *36.9%* | *100% N=1,294* |

Phi[133]= -0.20

The pattern over time does not change the picture. We observe an increase in amended unanimous bills in 2001 and 2002, followed by a period of low amendment activity on unanimously adopted bills. Since 2006, the share of amended bills among the unanimously adopted ones increased again and remained at the higher level since. Thus, except for the last few years, no clear indications for improved committee bargaining may be observed (Figure 49).

[133] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

*Figure 49: Unanimous bills amended and not amended over time, percentages, 1999-2011*




Differences exist between laws transposing a directive and other laws. In section 4.1.2 we could confirm that transposition laws are still clearly more often amended. In accordance to the findings within the present section, the examination of transposition laws shows that they are less often adopted by unanimous vote. The difference in the final adoption of transposition and other laws is however not as pronounced as regarding amendments (

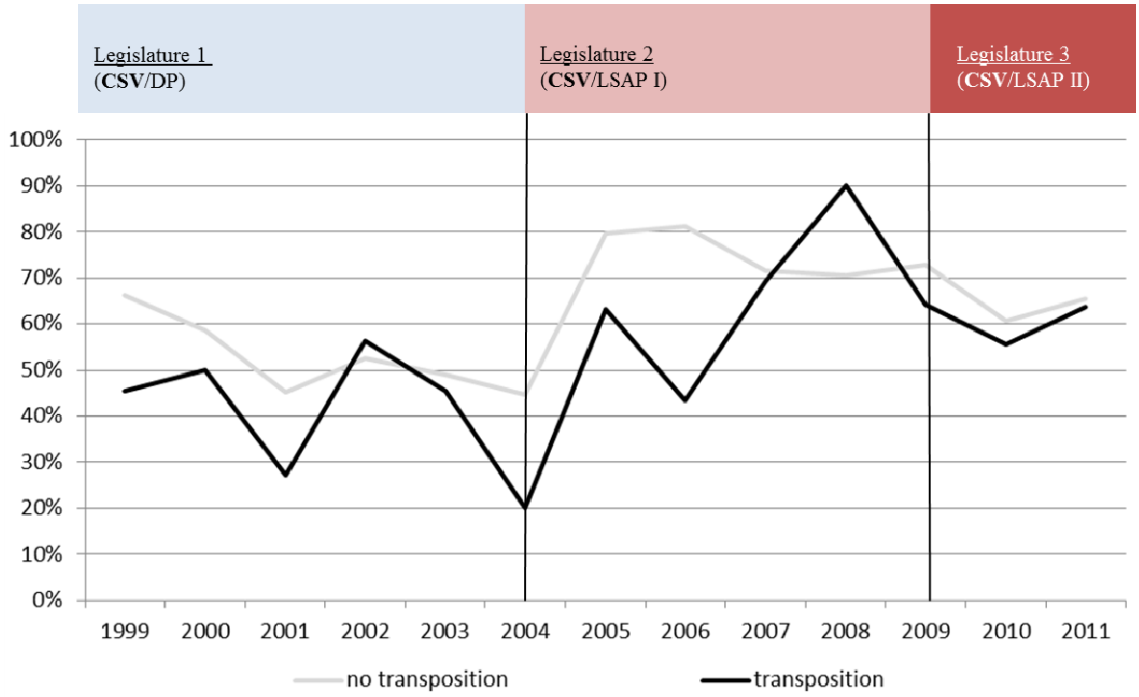
Table 18). Over the years, transposition laws reach lower shares of unanimous votes compared to other laws, except for the years 2002 and 2008 (Figure 50).

*Table 18: Unanimous adoption of transposition laws, 1999-2011*

| | *not unanimously adopted* | *unanimously adopted* | *total* |
|---|---|---|---|
| *no transposition* | *37.2%* | *62.8%* | *100% N=1,121* |
| *transposition* | *47.4%* | *52.6%* | *100% N=173* |
| *total* | *38.6%* | *61.4%* | *100% N=1,294* |

Phi[134]= -0.071

*Figure 50: Unanimous adoption of transposition and other laws, percentages, 1999-2011*




A logistic regression on unanimous votes confirms again that amendments are decreasing the likelihood of unanimity. Amendments are thus an indicator of conflict. Transposition laws are however not significantly changing the probability for unanimity (Table 19).

[134] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

*Table 19: Logistic Regression on unanimous votes, 1999-2011 (N=1,294)*

Variables in the equation

| | | B | S.E. | Wald | df | Sig. | Exp(B) |
|---|---|---|---|---|---|---|---|
| Step 1[a] | amended | -.835 | .121 | 47.589 | 1 | .000 | .434 |
| | transposition | -.225 | .171 | 1.734 | 1 | .188 | .799 |
| | constant | .842 | .078 | 117.903 | 1 | .000 | 2.322 |

a. Variable(s) entered on step 1: amendment, transposition.

Finally, a general work for the interest of the country was mentioned by interviewees to be responsible for the increase in uncontested votes. Internal conflicts are suppressed for the sake of a unified voice at the international scene. This might spill over to domestic issues and a general trust into compatriots.[135]

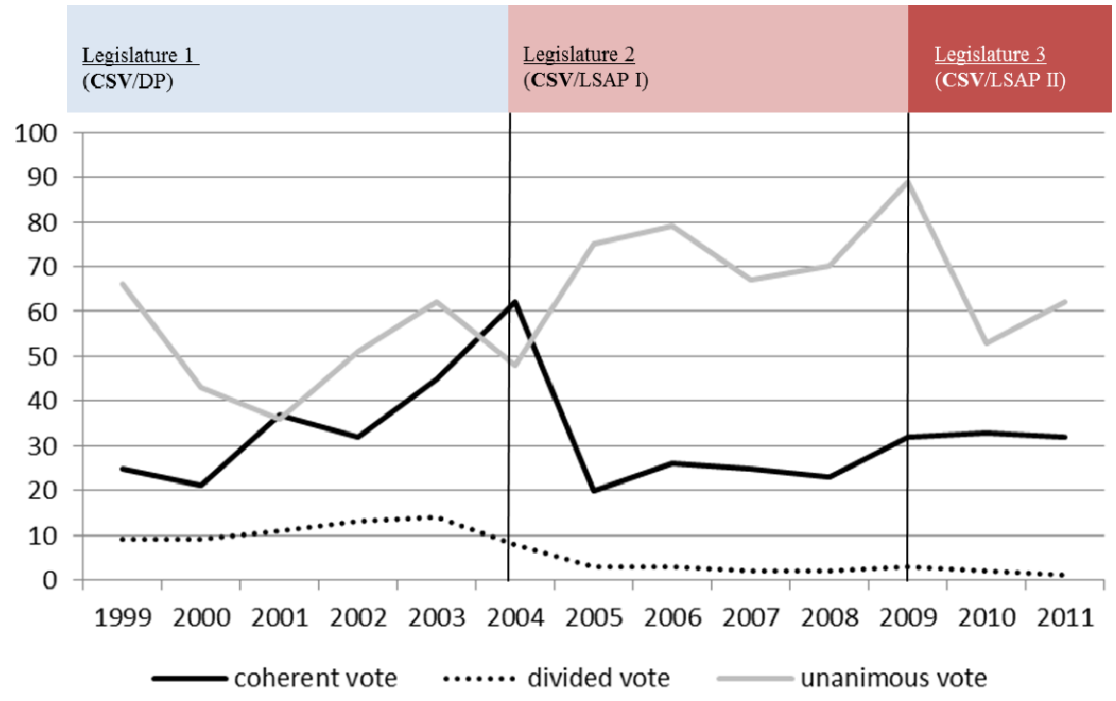
### 4.2.2. Party cohesion

On the one hand, the increase in unanimous bills may not be attributed to a more successful bargaining at committee level, as unanimous bills are less often amended than other bills. On the other hand, the increase in unanimous votes does not directly translate into a decrease of legislative scrutiny. Instead, the general number of non-conflictual bills could have increased, if the criticism of opposition has not weakened. Alternatively, an increase in party cohesion may explain the increase in unanimous votes. While we may not measure the amount of non-conflictual bills introduced other than by the final votes, we are able to investigate opposition behaviour and party cohesion.

[135] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

An investigation in the voting behaviour of parties sheds light on those possible explanations of increased unanimity. Firstly, we record whether party factions in the Chamber have **voted coherently** or if one or more of their MPs have not followed the party line. Among all final votes on laws adopted between 1999 and 2011, 79 were recorded as divided votes. Thus, only 6.1% of all votes divided one or more factions in the Chamber. Most of those divided votes were adopted between 1999 and 2004, that is during Legislature 1 (CSV/DP). In 2002 and 2004, the amount of divided votes concerned around 10 laws and decreased to not more than 3 per year after 2005 (Figure 51).[136]

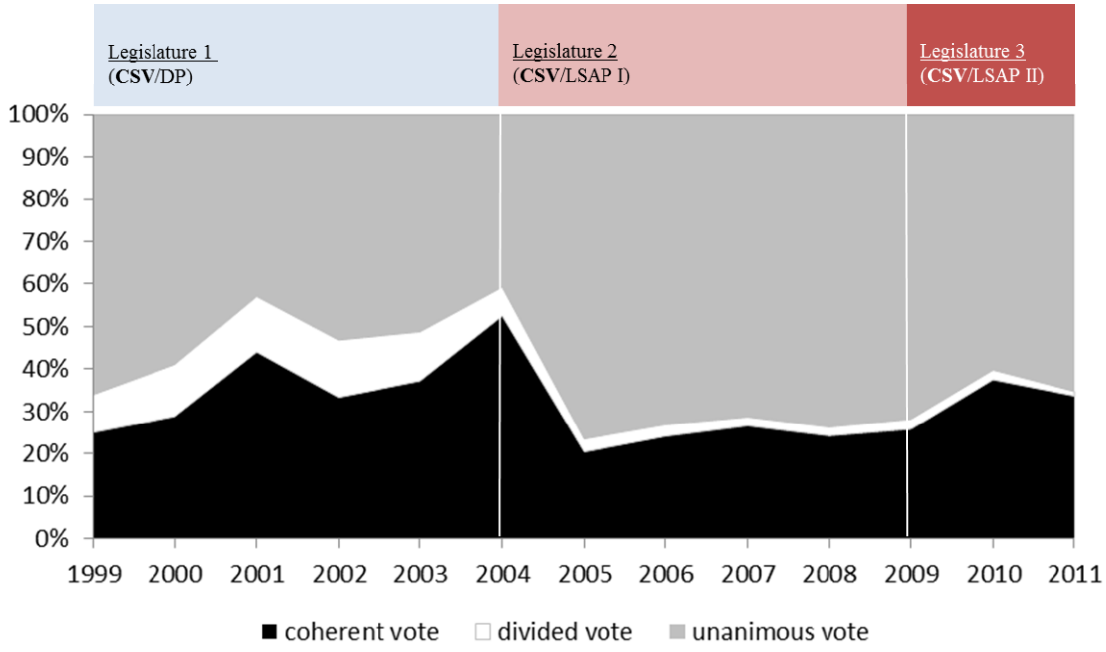
*Figure 51: Coherent, divided and unanimous votes, absolute numbers, 1999-2011*




[136] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu or printed minutes of public sessions.

Hence, by the absolute numbers, we may conclude that party cohesion, already at high levels, has increased in the two more recent legislatures. In terms of percentages, the very low number of divided votes and the increase in party cohesion is even better visible. Between 2000 and 2003, divided votes make up more than 11% of all adopted bills. They decrease to around 7% in 2004 and further to 3% in 2005. As of 2006, divided bills sum up to around 2% of all bills, and 1% in 2011 (Figure 52).

*Figure 52: Coherent, divided and unanimous votes, percentages, 1999-2011*




The factions in the Chamber are slightly less divided when it comes to transposition laws. If they are divided in 6.2% of the domestic laws, they are divided in 5.8% of the transposition laws (Table 20).

*Table 20: Divided votes on transposition laws, 1999-2011*

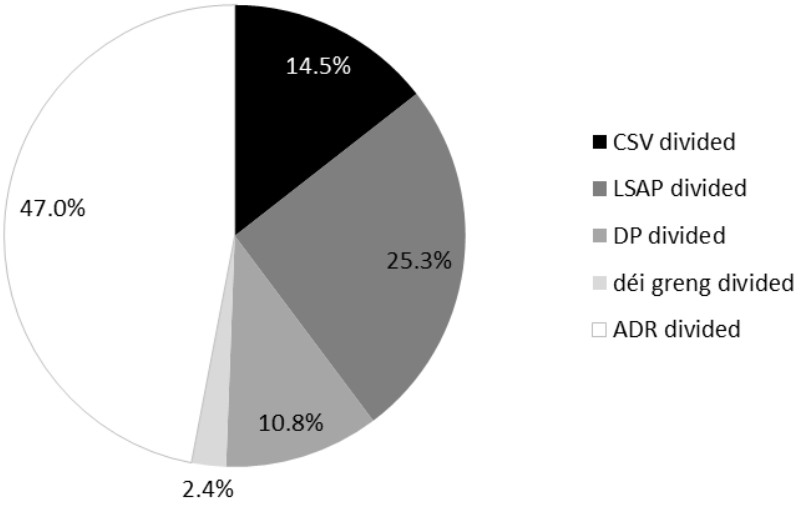
| | *coherent vote* | *divided vote* | *total* |
|---|---|---|---|
| *no transposition* | *93.8%* | *6.2%* | *100% N=1,121* |
| *transposition* | *94.2%* | *5.8%* | *100% N=173* |
| *total* | *93.3%* | *6.1%* | *100% N=1,294* |

Phi[137]= -0.005

Hence, we may speak of a major increase of party coherence in Legislatures 2 (CSV/LSAP I) and 3 (CSV/LSAP II). But which parties account for this increase? We have taken a closer look on the divided votes to answer this question. It reveals that almost half of the divided votes concerned only one party and, that is the ADR. When Aly Jaerling left the faction and became an independent MP in 2006, party cohesion in the Chamber jumps at a higher level. The Socialists (LSAP) rank second when it comes to party dividedness in votes. 26% of all divided votes were due to the LSAP. The Greens (déi gréng) are the most coherent party over the period under investigation, followed by the Liberals (DP) and the Christian Social People's Party (CSV) (Figure 53).

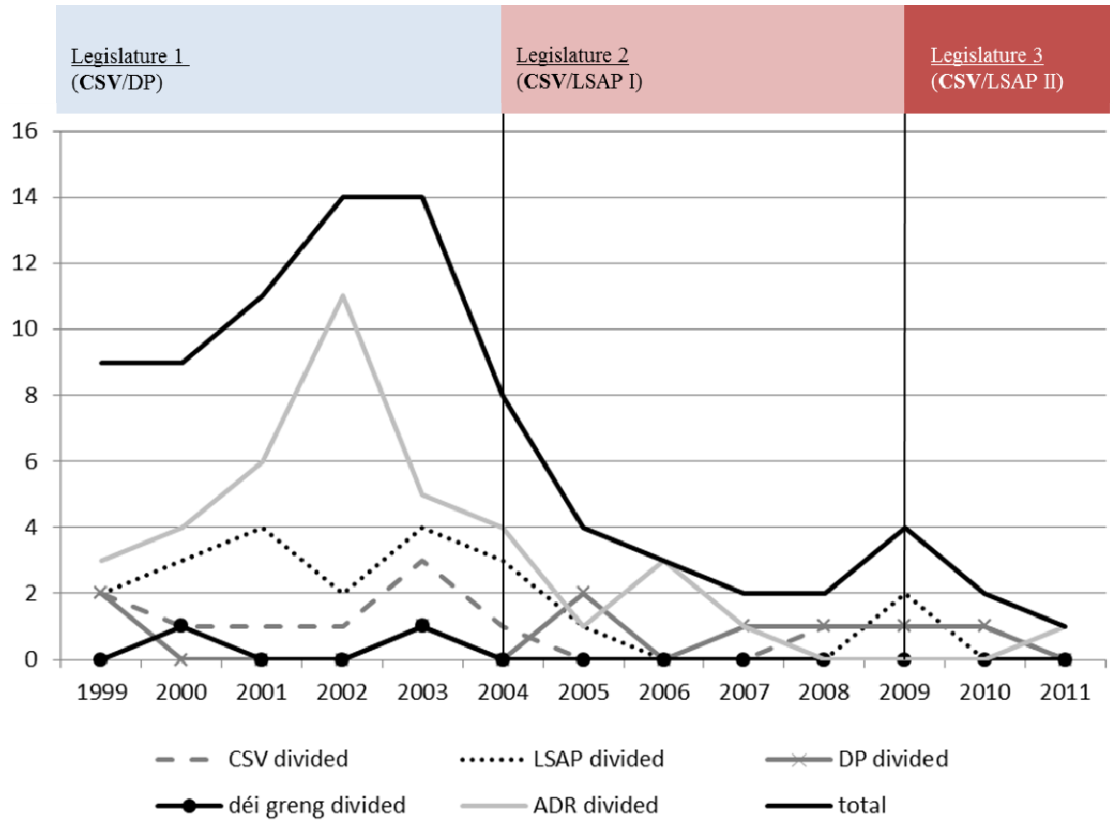
[137] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

*Figure 53: Divided votes by party, percentages, 1999-2011, N=81*




Split up per year, party cohesion goes thus up for the ADR and the LSAP. Interestingly, also the CSV is slightly more coherent in Legislatures 2 (CSV/LSAP I) and 3 (CSV/LSAP II). The DP on the other hand became more often divided. The junior coalition partners, that is the Liberals in Legislature 1 (CSV/DP) and the Socialists in Legislatures 2 (CSV/LSAP I) and 3 (CSV/LSAP II), show a higher party cohesion when they are in government, than when their parties are in opposition (Figure 54)

*Figure 54: Divided votes by party, absolute numbers, 1999-2011*




In absolute numbers, factions are somewhat more divided concerning domestic laws than with regard to transposition laws. The Liberals and the Greens were never divided on a transposition law in the period of investigation. When taken the share of transposition laws, the Socialists and the CSV reveal to be more divided on transpositions than on other law. The inverse is true for the ADR: That is, the ADR is more divided regarding domestic law than with regard to transpositions (Figure 55 and Figure 56).

*Figure 55: Divided votes on transpositions and other laws by faction, absolute numbers, 1999-2011*

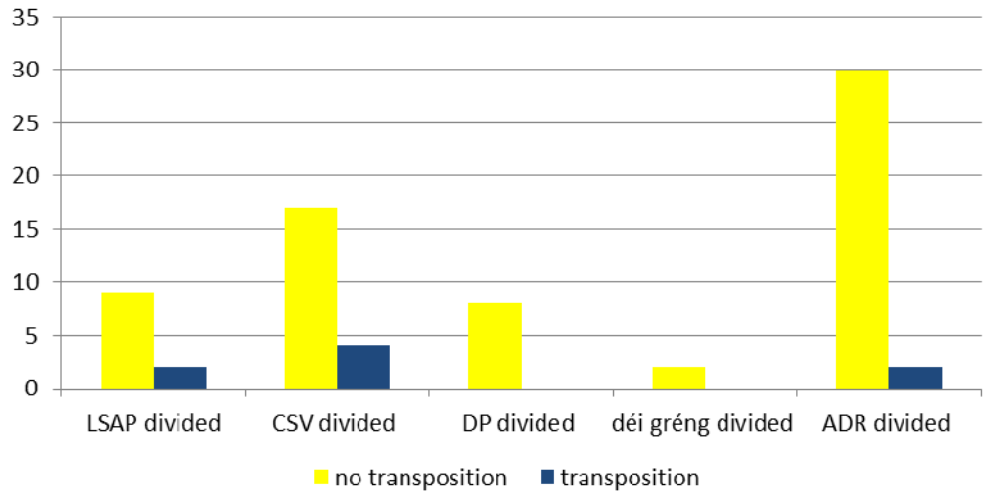
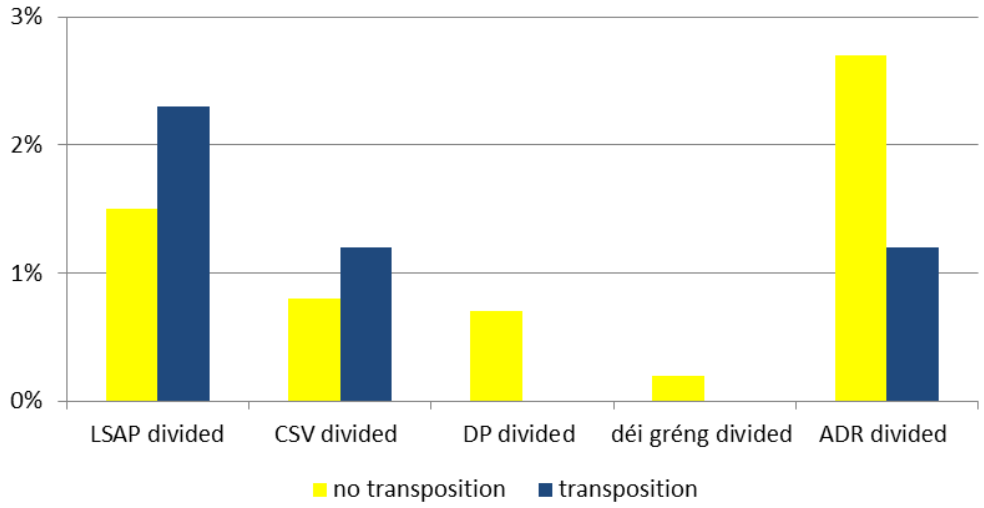



*Figure 56: Divided votes on transpositions and other laws by faction, percentages, 1999-2011*




In a second step, we examine **opposition behaviour**. A decrease of critical potential from opposition factions could add to increase the amount of unanimously adopted bills in the Chamber. To this end, we count the number of laws a party has not supported, that is the bills a faction has voted against or to which it has abstained. The Greens reveal as the most critical opposition party followed by the ADR. In terms of expressed opposition, the

Greens and the ADR are overtaken by déi Lénk when they are represented in the Chamber which was not the case during Legislature 2 (CSV/LSAP I).

When the Socialists are not in government that is in Legislature 1 (CSV/DP), they express their opposition status much more pronouncedly than the Liberals (in Legislatures 2 and 3), although the latter have increased their non-support during the more recent years (Figure 57 and Figure 58). Taken together, the minority factions have thus increased their support of bills or in other words: Opposition has become less critical. This decline in opposition may also be owed to the fact that party programmes have approached each other, as some observers suggest.[138] Especially during Legislature 2 (CSV/LSAP I), the non-support of opposition is at low levels but increases again in Legislature 3 (CSV/LSAP II) (Figure 59).

[138] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

*Figure 57: Non-support of bills in final votes by faction, absolute numbers, 1999/2000-2011/2*

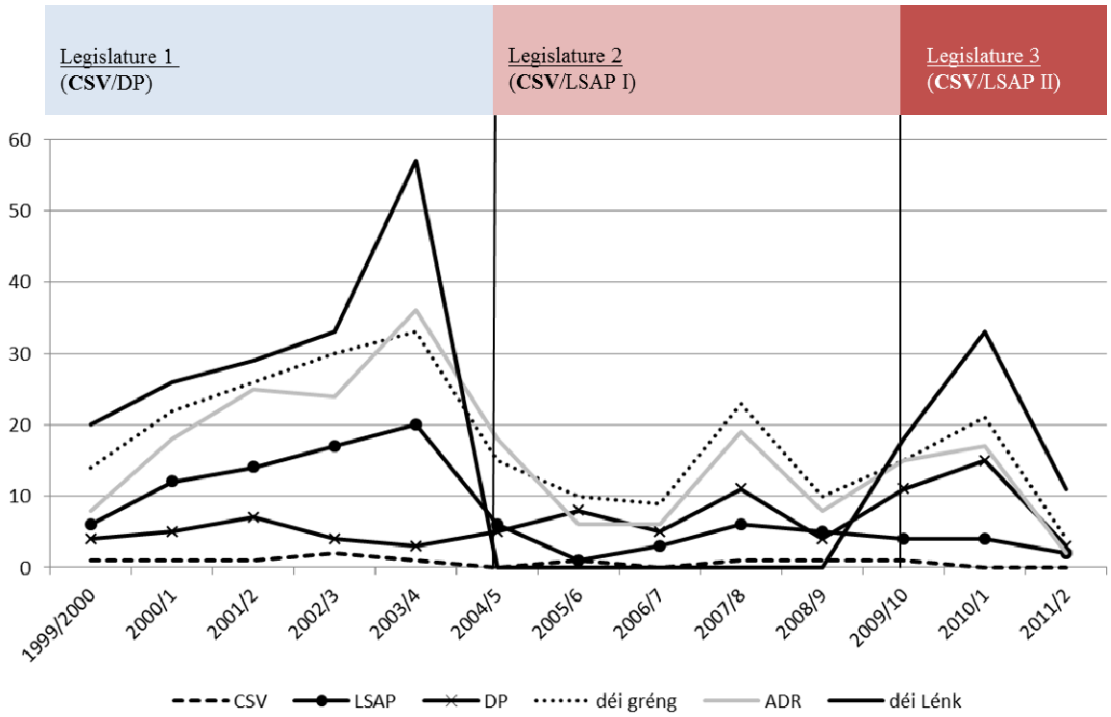



*Figure 58: Share of non-supported bills in final votes by faction, percentages, 1999/2000-2011/2*

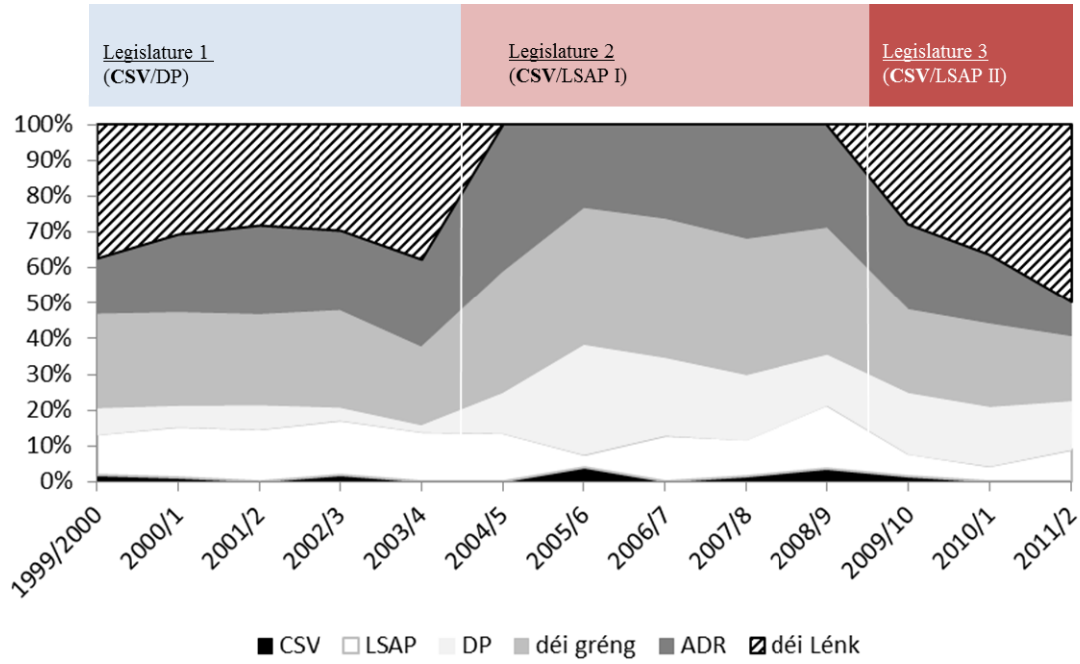
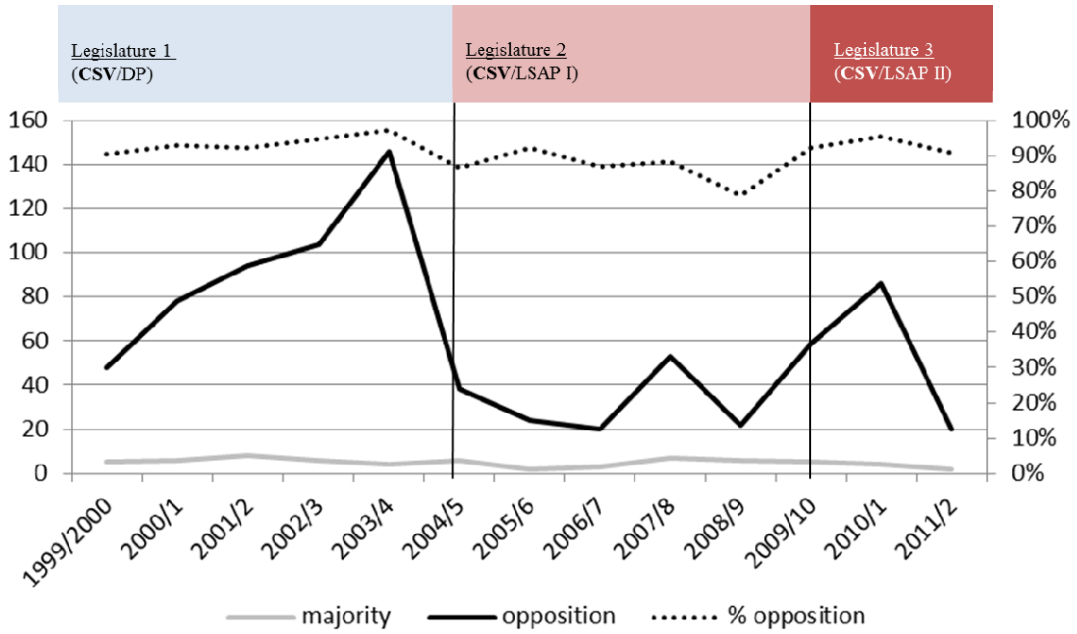


*Figure 59: Non-support of majority and opposition factions, absolute numbers, 1999/2000-2011/2*




### 4.2.3. Summary and conclusions: Final votes and party cohesion

To briefly summarize our findings on voting patterns, we investigated the **rules** on the adoption of bills and actual final votes in the period between 1999 and 2011. Regarding the rules, final votes are facilitated since 2004 when the vote on the whole bill was introduced to substitute the vote by article. A vote by article may still be demanded by a minimum of five MPs, but occurs only at very rare occasions. The analysis of voting behaviour in the Chamber reveals interesting patterns. Firstly, the **support for bills** increased over time. Thus, more votes are cast in favour of bills, and more bills are adopted by unanimous vote. The qualitative and quantitative jump towards more consensus was made in 2004 and could be partly due to the changed voting rules. If each article is voted separately, MPs may pay more attention on the details of laws and thus vote against or abstain in the vote on the whole bill. More successful bargaining at

committee level may be excluded as explanation for this increase. It shows that unanimous bills are overall less conflictual and provoke fewer amendments in committees.

Another reason for this increase in support for bills at the final vote is the increase in **party cohesion**, again since the beginning of Legislature 2 (CSV/LSAP I) in 2004. Overall, the ADR is by far the least cohesive party up until 2006 when Aly Jaerling decided to leave and become an independent MP. Second ranges the LSAP and third the CSV, while the Greens are the most cohesive party in the Chamber. What is more, we observed a **decline of opposition** in the Chamber and most importantly in Legislature 2 (CSV/LSAP I). Firstly, the Left (déi Lénk) could not gain a seat in the Chamber in the 2004 elections. Secondly, the Socialists have expressed more opposition than the Liberals (DP), when in opposition.

**Transposition laws** face slightly more opposition in final votes. This pattern is however not as pronounced as the increased number of amendments issued on transposition laws. Also, transpositions provoke slightly less divided votes than other laws. The pattern differs depending on the party. It reveals that the CSV and the LSAP both are relatively more often divided on transpositions than on other laws.

Altogether, those three reasons – the change of voting rules, the increase of party cohesion and the decline of opposition – are responsible for the increase of support for

bills in the Chamber. Resulting from this increase in unanimity, we observe a decrease in legislative scrutiny with regard to the adoption of bills.

## *4.3. Length of the legislative process*

The length of the period a law passes in parliament is another way to measure legislative scrutiny (Martin and Vanberg, 2011). While it does not tell a priori about the depth of scrutiny, we assume that a more in-depth scrutiny prolongs the legislative process. In a first step, we thus investigate the reasons for a possible prolongation of the legislative process. Two factors may influence the pace of legislative scrutiny: The involvement of parliament external actors during the process and the characteristics of a matter at stake, that is its urgency and complexity basically. In a second step, we examine the behavioural trends over time.

### 4.3.1. Factors influencing the pace of legislative scrutiny - I: The involved actors

The duration of the legislative process may be prolonged by the number of **involved actors**. The political institutions concerned with lawmaking indeed blame each other to be responsible for delays in the adoption of bills, which is rather lengthy as some comparative scholars suggest (Becker and Saalfeld, 2004, p. 58). Apart from the accusations that government strategically delayed the introduction of bills (compare with section 4.3.2), the Chamber is charged of sedate proceedings, especially so when

sensitive societal matters with high conflict potential are at stake,[139] and not least when it comes to transposition.

The State Council has repeatedly proposed in its opinions of 19 February 2002, 16 March 2004 and 6 June 2012 to **limit the involvement of parliament** in the transposition of directives. However, such provision should not apply generally. The Chamber should keep its authority of delegation on a case by case basis. From the State Council's perspective, most directives do not leave any political options open or keep this freedom for adaptation very small. The decision to issue a directive or a regulation at EU level is not always a lucky choice. The trend goes to directives that give less and less choice, it is argued.[140] Interestingly, the Chamber's position is not totally opposed to this idea of self-exclusion in transposition. Based on the perception that directives do not give much opportunity for political debate, the Committee on institutions and constitutional revision (INST) has agreed to such provision to be introduced in the Constitution and specified by law, the condition being that the Chamber has the last word in the decision.[141] The objective is to contribute to a speedy transposition of directives, although the transposition deficit has already decreased because of governmental reorganisation (Jann, 2012; Ministère des Affaires étrangères, 2012, p. 37ff).

[139] Official of the State Council, face-to-face interview, 18 September 2013, and Member of the State Council, face-to-face interview, 4 October 2013.
[140] Others find on the contrary, to be given more freedom in the adaptation of directives to domestic matters (compare with section 4.1.2).
[141] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

The Chamber and the government on the other hand see the **State Council** to be the most important barrier for a quick adoption of a law[142] although its organisation has been better "*channelled*" with the result, that is proceedings were speeded up.[143] Some MPs still aim for an "*institutional solution*" in form of a formal obligation for the State Council to deliver its opinion within a certain period of time.[144] In principle, the State Council has to check every draft law and every amendment on their constitutionality and their accordance to superior law, that is international agreements and general legal principles. Thus, by nature, the State Council indeed increases the length of the procedure.

Since 2000, the government officially sends draft laws to the State Council and the Chamber at the same time. This former **urgency procedure** which did not require an opinion of the State Council before parliament could become active officially became the normal procedure (compare with section 2.2.1). On the one hand, this may be seen as "*democratising*" lawmaking as it enables the press to earlier inform and civil society to mobilize.[145] On the other hand, this may have a negative impact on parliamentary control. The Chamber and the consultative bodies may be pushed to rush in their proceedings. Chamber clerks and MPs perceive the legislative process to be faster today than it used to

[142] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013, and Official of the State Council, face-to-face interview, 3 October 2013.
[143] The State Council has reduced its Committees to six which regularly meet. Every State Councillor is member of two committees. The agendas are fixed in terms of priorities and planned in advance which gives a good overview of how to proceed. The draft laws are treated in the order of their receipt. Official of the State Council, face-to-face interview, 18 September 2013, Official of the State Council, face-to-face interview, 3 October 2013, and Official of the State Council, face-to-face interview, 4 October 2013.
[144] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[145] Official of the State Council, face-to-face interview, 3 October 2013.

be. They attribute a great deal of this trend to the change in media landscape and working style of ministers as well as MPs.[146]

Although the urgency procedure became the ordinary procedure, in most cases committee deliberations still do not start before the opinion of the State Council has been obtained. Hence, to some extent, the slow-down of the legislative procedure attributed to the State Council is **home-made by parliament**.[147] Only in case of conflictual and socio-politically important bills, a committee takes up its work immediately after reception of a draft law.[148] However, this shows how important the opinion of the State Council is as a resource for committee work. [149]

Although non-elected, the State Council may however not be considered apolitical. It introduces its particular institutional perspective into its opinions on laws and oversteps the limits of a purely judicial analysis for the benefit of its institutional interest.[150] Such opinion normally consists of an evaluation of the compliance of a draft law to constitutional, fundamental, international and European law provisions, but may have an additional part where the **"*political opportunity*"** of such draft law is assessed. The State Council signals its opposition on a bill with a "*formal opposition*" in the text of an opinion. Such formal opposition requires the Chamber to either review and change the respective provisions or face a three-month delay in the legislative procedure as the State

[146] Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013, and Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013.
[147] Official of the State Council, face-to-face interview, 4 October 2013.
[148] Official of the State Council, face-to-face interview, 4 October 2013.
[149] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013.
[150] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

Council would refuse the dispense of the second vote on a bill (compare with Figure 19 on page 87). A formal opposition should generally not be introduced on issues of pure political opportunity.[151] Instead, the State Council aims to provide opinions of the quality of Court judgements, giving a clear line of argument and predictable reasoning following objective criteria, not least to avoid lengthy lawsuits if a law does not comply with general legal principles.[152]

Thus, the State Council may be regarded as competence centre for legal standards and principles, and its opinions provide the base ground for the parliamentary work.[153] However, in case a **deadline** applies for a draft law, its power exceeds the one of a pure advisory body. Most importantly, this is the case in budgetary matters, transpositions and at the end of a parliamentary term. Observers in the Chamber suppose strategy behind the issuing of formal oppositions at such occasions. Under time pressure, they suggest, the State Council expects its amendments and proposals for changes to be taken over without major opposition.[154] If the State Council totally fails to send its opinion, the Chamber may decide to vote the law article by article and in a next step adopt a law in second reading (compare with section 4.2.1 and Figure 19 on page 87 particularly). In practice, this provision was not yet been drawn upon as the State Council aims to deliver its opinions within six months after the reception of a draft law at the latest.[155] A respective **gentlemen's agreement** between the Chamber and the State Council, in presence of the

[151] Member of the State Council, face-to-face interview, 4 October 2013.
[152] Official of the State Council, face-to-face interview, 4 October 2013.
[153] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, Official of the State Council, face-to-face interview, 3 October 2013, and Official of the State Council, face-to-face interview, 4 October 2013.
[154] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012.
[155] Member of the State Council, face-to-face interview, 4 October 2013, and Official of the State Council, face-to-face interview, 4 October 2013.

government, has obliged the State Council to work more speedily and not least on urgent matters.[156]

While it usually dispenses a second reading, as asked by the Chamber after a final vote on a bill, it does withhold the evacuation of a law in case it does not agree on its content or form. In this case, the Chamber has to vote a second time on the law with a delay of three months, as required by art. 59 C.

Furthermore, **professional chambers**[157] have to give an opinion on matters which are within their responsibility. They are however only consultative bodies and a failure of delivery of an opinion before the adoption of a bill does not render the law invalid. Still the Chamber normally waits for their opinion before it adopts a bill (Dumont and Spreitzer, 2012, p. 218), although they are judged not having a great impact on parliament's work.[158] Also, they may enter the opinion of the State Council already, which waits for their reception before it issues its opinion, not least, in case sensitive political matters are at stake.[159]

[156] Official of the State Council, face-to-face interview, 18 September 2013, and Official of the State Council, face-to-face interview, 3 October 2013.
[157] The initial law of April 4th, 1924 institutionalised the following six professional chambers: The Agriculture Chamber (Chambre d'Agriculture), the Chamber of Commerce (Chambre de Commerce), the Chamber of private employees (Chambre des Employés Privés), the Camber of functionaries and public employees (Chambre des Fonctionnaires et Employés Publics), the Chamber of professions (Chambre des Métiers), the Work Chamber (Chambre de Travail). Loi du 4 avril 1924 portant création de chambres professionnelles à base élective. Mémorial A n°21, 4.4.1924. In 2008, the Chamber of private employees and the Work Chamber were replaced by the Chamber of employees (Chambre des salariés). Loi du 13 mai 2008 portant introduction d'un statut unique. Mémorial A n°60, 15.5.2008.
[158] Ministry official, face-to-face interview, 18 October 2013.
[159] Member of the State Council, face-to-face interview, 4 October 2013.

**Amendments** should cause a longer duration of the legislative process and represent an outcome of legislative scrutiny. Again, it is up to the State Council to check all introduced amendments for the same legal principles as bills: Their compliance with constitutional, fundamental, international and European provisions. The professional chambers on the other hand are not asked to give advice on amendments, [160] although they usually do so. Given the increase in amended laws over time, we would expect an increase in the time consumed by the legislative process.

### 4.3.2. Factors influencing the pace of legislative scrutiny - II: Characteristics of a bill

Apart from the actors involved in lawmaking, the characteristics of a bill may influence the length of legislative scrutiny. All those characteristics concern domestic as well as transposition bills. However, we give special emphasis on transposition bills within this section in order to evaluate if differences point to increased legislative scrutiny of transposition bills or not.

Already at their **introduction**, bills may be prone to a speedy passage in parliament. Government normally signals urgency in its letter accompanying a law project, most importantly so, if a directive needs to be transposed and the deadline for doing so is close. At occasions, government introduces bills **transposing a directive** when the deadline for transposition has already passed. Some observers in parliament suggest that this was done

[160] Ministry official, face-to-face interview, 18 October 2013.

on purpose in order to exert pressure on the Chamber and to escape scrutiny.[161] Other interviewees assume no strategy behind but a signal to the concerned economic groups for instance to protect them as long as possible from "*harmful*" EU regulation. Such proceedings are however not judged appropriate, not least, because EU regulation is not given due respect. What is more, other texts may be hindered from being adopted if they refer to a piece of legislation which has not been transposed.[162]

Another interpretation of the late timing of transposition bills concerns **administrative capacity**. Those ministerial officials who take part in the negotiations at EU level should immediately after draft the law project. They are prevented from doing so because they are overcharged with responsibility. A small administration has to transpose the same quantity of EU law like a large one, although its staff numbers are much smaller (compare with Assumption 2 in section 1.1.3 and section 2.2.2).[163] Besides, some transposition laws require the coordination of several ministries in order to fully comply with the EU provisions and still fit into the domestic legislative framework.[164]

The changes introduced by the Lisbon Treaty are responsible for a tighter discipline of all concerned actors in the transposition of directives. Since Article 260(3) TEU introduces the possibility for the European Court of Justice (ECJ) to issue **financial sanctions** in case of a failure to comply with EU law, government watches deadlines more closely. It is difficult to justify such payments to the electorate. Until 2011 at least, Parliament could

[161] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012.
[162] Member of the State Council, face-to-face interview, 4 October 2013.
[163] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[164] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

so far prevent from such sanctions and at occasions with a just-in-time passage of a transposition.[165]

Finally, also the **permanent debate** not least within parliament about the transposition deficit has brought the matter to an increased attention. Once a year, government issues a report on the transposition of directives. This report is public and reviewed by the press as well as discussed in the Chamber (art. IV.1-3 Annex 2 RoP 2009-11, compare with section 6.1.1) and the EAC more particularly.[166] Thus, government was set under pressure and has at several occasions improved its internal organisation and overview of transposition (Jann, 2012).[167]

Also, the **elaborateness** of the matter at stake, not least of transposition laws which are supposedly technical and complex, may furthermore prolong legislative scrutiny. The complexity of the matter may, among other factors, have an impact on the **quality of a bill**. Many of our interview partners have pointed to a decrease in the overall quality of government initiatives, in terms of language and precision for which to find the cause exceeds the framework of this thesis.[168] Differences appear between ministries, but the trend seems to be a more general one. This may also explain the increase in the number of amendments on draft laws (compare with section 4.1).

[165] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, and Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[166] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[167] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[168] Some have held the education system responsible, others mentioned recruiting procedures and salary levels of the public sector, which would attract only second best lawyers for instance. Official of the State Council, face-to-face interview, 18 September 2013, Ministry official, face-to-face interview, 18 October 2013, and Ministry official, face-to-face interview, 10 October 2013.

Furthermore, differences occur depending on whether a draft law **modifies an existing law** or whether it pioneers a policy area. For instance, when the scope of EU competences is extended, new directives may be issued in new subject matters where perhaps no domestic law existed. In such cases, it is more difficult to transpose a directive than in cases where a directive modifies already existing law. All institutions involved in lawmaking benefit from an already established experience in a policy domain. This is generally the case in areas such as agricultural or transport policy, while the euro-crisis has provoked new rule-making in areas which have not yet been touched upon by the EU.[169]

But not only have the characteristics of the text of a bill an impact on the length of the legislative process. Also the **quality of preparatory works** facilitates or hinders a speedy adoption. While no differences are generally made between laws and transpositions of EU directives in the Chamber and the State Council (except that they may be given priority if delays are close),[170] government foresees a slightly other treatment in the preparation of its law projects.

Firstly, a **working group** on the elaboration of a possibly complex new law of domestic origin is installed. This working group may invite experts if it deems it necessary. What is more, if a law is of highest priority and political sensitivity, such as housing regulations, no functionary but the majority parties is charged with its elaboration. In the case of

[169] Member of the State Council, face-to-face interview, 4 October 2013.
[170] Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012, Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Member of the State Council, face-to-face interview, 4 October 2013.

transpositions, it is basically one functionary, who is often at the beginning of his/her career who writes the transposition. Working groups are not established on such occasions.[171] This implies that such transposition law project has a higher risk to be immature.

Secondly, if a bill is to transpose a directive, the guidelines set by the State Ministry require a law project to be guided by a **table of correspondence**. This table spells out the articles in the draft law which transpose the provisions set in the directive. It facilitates the reading and comparison between the two texts and points out whether the transposition is complete. If this table is missing or not correctly filled out, the State Council takes over this task. The time it takes to do so, however, counts in the period a law spends in the Chamber. The same holds for bills of domestic origin. The more orderly a dossier enters the Chamber and the State Council, the more its adoption is facilitated.

### 4.3.3. The evolution of legislative scrutiny length 1999-2011

In the investigation of the average length of the legislative process, we find that laws are on the average adopted 371 days after deposit in parliament, that is more than one year later. They are published and enter into force on the average 399 days after their introduction. Contrary to our expectations when taking into account the increase of amended laws, the trend goes towards a shortening of legislative scrutiny. The period a law is treated in parliament has declined between 1999 and 2003, risen again until 2006

[171] Official of the State Council, face-to-face interview, 3 October 2013.

and mostly declined ever since. The general tendency over the whole period is thus declining. Also, the standard deviation to the mean has followed a similar pattern. The peak in the length of the legislative process in 2006 seems to be due to outliers, as signalled by the high standard deviation in this respective year (Figure 60, Table 21). [172]

*Figure 60: Average number of days between deposit and vote of a law, 1999-2011*

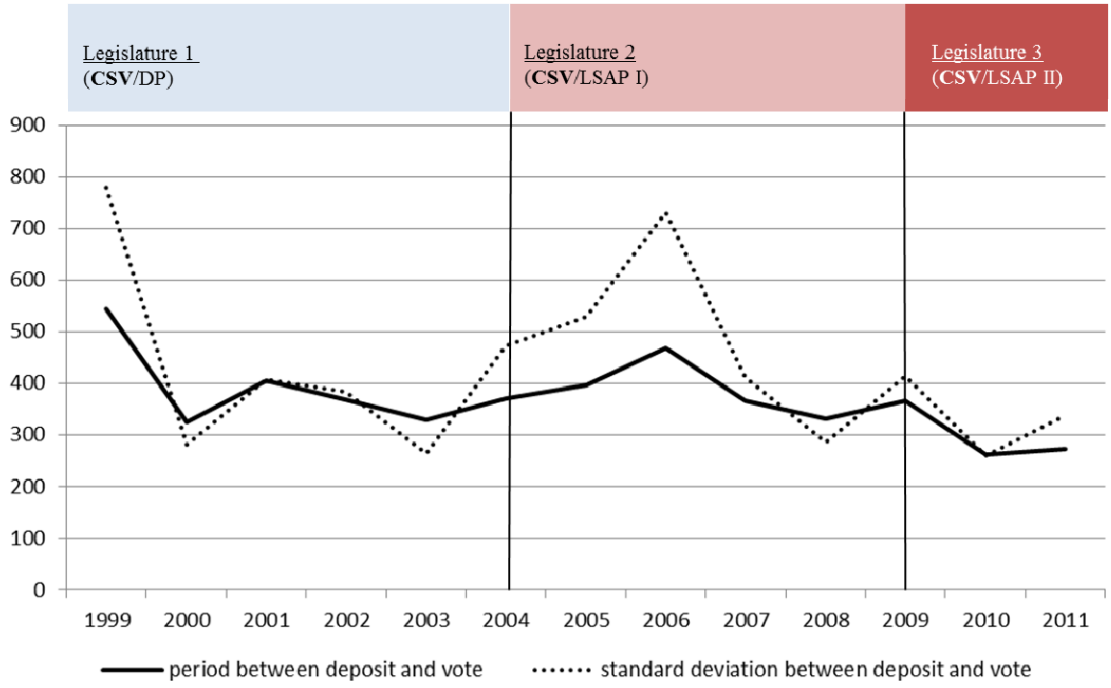



*Table 21: Average period between deposit and vote/publication of a law, means, absolute numbers, standard deviations, 1999-2011*

| | *deposit → publication* | *deposit → vote* |
|---|---|---|
| *Mean* | *399.14* | *371.40* |
| *N* | *1,289* | *1,289* |
| *Standard deviation* | *465.09* | *464.90* |

[172] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu or printed minutes of public sessions.

Laws transposing a directive do not significantly differ from other laws regarding the length of the legislative procedure, as a linear regression on the length of the legislative process suggests. The main factor responsible for the extension in the duration of the legislative process is the introduction of amendments. Transpositions take only slightly less time than other laws. Also, the absence of conflict as measured by the number of unanimously adopted laws does not speed up the duration a law passes in parliament (Table 22).

*Table 22: Linear regression on the length of the legislative process, number of days between deposit and adoption of a law, 1999-2011*

| Model | Unstandardised coefficients | | Standardised coefficients | t | Sig. |
|---|---|---|---|---|---|
| | B | Standard error | Beta | | |
| (Constant) | 284.486 | 24.144 | | 11.783 | .000 |
| amended | 273.531 | 26.774 | .284 | 10.216 | .000 |
| transposition | -70.402 | 37.245 | -.052 | -1.890 | .059 |
| unanimous adoption | -7.200 | 26.117 | -.008 | -.276 | .783 |

Dependent Variable: Legislative period in days between introduction and final vote of a bill

### 4.3.4. Summary and conclusions: Length of the legislative process

Multiple reasons may be found which may impact on the duration a law spends in parliament. Among them are the urgency of a law as signalled by government, the number of actors involved in its making, the number of amendments introduced and the complexity of the matter. Within this section, we investigated the trend over time and discovered that the length of the legislative procedure has decreased between 1999 and 2011 despite the fact that more laws were amended. Parliament, besides the State Council, seems to have improved its working procedures and works more efficiently. If

parliament or the State Council finally account for the trend is difficult to evaluate from the data available. Transposition does not change the length of the legislative process, compared to domestic laws. Used as an indicator for legislative scrutiny, the increased pace of the legislative procedure does however point to a decrease in legislative scrutiny.

## *4.4. Summary and conclusions: Legislative scrutiny*

This chapter was devoted to the examination of our first pillar of parliamentary control of government. Legislative scrutiny is the procedures a draft law is subject to after it was deposited in parliament. The **indicators** for the strength of legislative scrutiny were the amount of amended laws, opposition in the final votes and the length of the legislative procedure. All of the indicators underwent an in-depth examination regarding changes in the formal and informal procedures and parliamentary behaviour. The range of data sources consisted of legal provisions, quantitative statistics on all adopted laws between 1999 and 2011, and face-to-face interviews with politicians and administrators. The challenge was to streamline this plenitude of evidence and come to a clear evaluation of the evolution of legislative scrutiny in the Chamber, the difficulty being to counterweight statistical evidence with partly diverging oral evidence from the interviewed insiders.

Our first indicator for the strength of legislative scrutiny consisted in the **amendment activity** of the Chamber. At first glance, the purely **quantitative increase** of amended laws could lead to the conclusion that the Luxembourgish MPs have made a major step towards a more severe screening of legislative proposals made by government. Especially in EU matters, the share of amended transposition laws almost doubled the share of other

amended laws. However, much of the qualitative evidence hints to the fact that this first impression after this quantitative examination needs to be qualified.

Firstly, the initiator of an amendment does not tell about the **source of the content**. Parliament did not hold the necessary resources to actually draft all labelled "*parliamentary amendments*". The ministerial staff mostly did so and still, amendments were declared of parliamentary origin. As parliamentary amendments circumvented the ministerial college, the minister could benefit and attempt to introduce his/her own changes. Such course of action speeded up the procedure and in some cases, we found evidence that the minister indeed used the opportunity to introduce changes which initially have not received the blessing of the governmental college. Almost all amendments were introduced in committee and thus behind closed doors. The reasons for their form and introduction remained therefore disguised. From what we have learnt, we may however conclude that committee and ministers seem to form an alliance in their field of expertise rather than following their institutional, opposing role, most importantly in Legislatures 2 and 3 (CSV/LSAP I and II). The increase of parliamentary amendments may be interpreted as an **increase in the importance of committee work and sectoral thinking**, helping the independence of ministers from the rest of government. But MPs too gain independence from their faction leaders (compare with section 3.3.1).

Secondly, with regard to the **amendment of transposition laws**, the interview partners underlined that no particular effort was made by MPs to distinguish between laws transposing a directive and other laws. The legislative procedure in parliament was the same for both. Transposition laws did not necessitate particular attention, except if

government signalled urgency regarding the deadline set by the European institutions. In this case the Chamber would proceed quickest possible, and thus do the contrary as what would indicate a thorough scrutiny of government bills. A closer investigation in the length of laws after amendment confirmed this picture. It shows that transposition laws underwent only slight change, compared to other laws. The modifications introduced by those amendments may qualify technical rather than of substance. We may thus conclude that the increased amendment of transposition bills does not originate in the aim of MPs to scrutinise government in EU matters.

Thirdly, it is important to take into account that the **quality of bills** has apparently decreased. Several of our interview partners have pointed to a decrease in the overall quality of government initiatives, in terms of language and precision for which to find the cause exceeds the framework of this thesis.[173] Differences appear between ministries, but the trend seems to be a more general one. This may also explain the increase in the number of amendments on draft laws.

However, the characteristics of the text of a bill have not only an impact on the necessity of amendments, but also on the length of the legislative process. Similarly, the **quality of preparatory works** makes amendments necessary and facilitates or hinders a speedy adoption. While no differences are generally made between domestic laws and transpositions of EU directives in the Chamber and the State Council (except that they

[173] Some have held the education system responsible, others mentioned recruiting procedures and salary levels of the public sector, which would attract only second best lawyers for instance. Official of the State Council, face-to-face interview, 18 September 2013, Ministry official, face-to-face interview, 18 October 2013, and Ministry official, face-to-face interview, 10 October 2013.

may be given priority if delays are close),[174] government foresees a slightly other treatment in the preparation of its law projects with domestic bills receiving more attention than transposition laws.

Furthermore, the **elaborateness** of the matter at stake, not least of transposition laws which are supposedly technical and complex, may furthermore prolong legislative scrutiny and cause amendments. Amendments are necessary to correct for language and formal mistakes, most importantly, when it comes to transpositions. However, we found that amendments introduce larger changes in the text of domestic bills. Seen the differences in the number of words, this influence has increased (compare with Figure 46). Based on those findings regarding amendments, one could conclude that the Chamber has **increased its scrutiny** and more particularly in domestic policies.

On the contrary, the **increase in unanimity**, our second indicator, may be interpreted as a weakening of legislative scrutiny. However, changes in the adoption rules may have fostered unanimity to some extent. Since 2004, parliament adopts bills by votes on the whole text, instead of votes by article. More votes are cast in favour of bills, and votes against as well as abstentions have decreased. This development may not be justified by improved committee work which would eliminate conflictual items by amendment. On the contrary, unanimously adopted bills seem to be less conflictual more generally, as they have been less often amended than other laws.

[174] Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012, Member of the Chamber of Deputies, face-to-face interview, 10 December 2012, Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012, and Member of the State Council, face-to-face interview, 4 October 2013.

The increase in unanimous votes after 2004 to a level well above 70% and after 2009 above 60% is in contrast to the voting behaviour in Legislature 1 (CSV/DP). During Legislature 1 (CSV/DP), only around 50% of all bills were adopted without opposition. This development continues a trend since 1990s (Spreitzer and Timmermans, 2014). Interviewees make the large consensus in European matters responsible for the uncontested vote which has always characterised Luxembourgish politics.

Already at high levels, **party cohesion** increased over time, and especially so since 2004, another factor which may be seen as hampering legislative scrutiny. This goes hand in hand with a decline of opposition. The proximity of parties when it comes to party programmes makes the opposition vote more often in favour of government bills. Transposition bills are only slightly less concerned by this decrease of opposition. Not the nature of law initiatives has transformed to more technical and uncontroversial, but the parties have closed ranks, it appears.

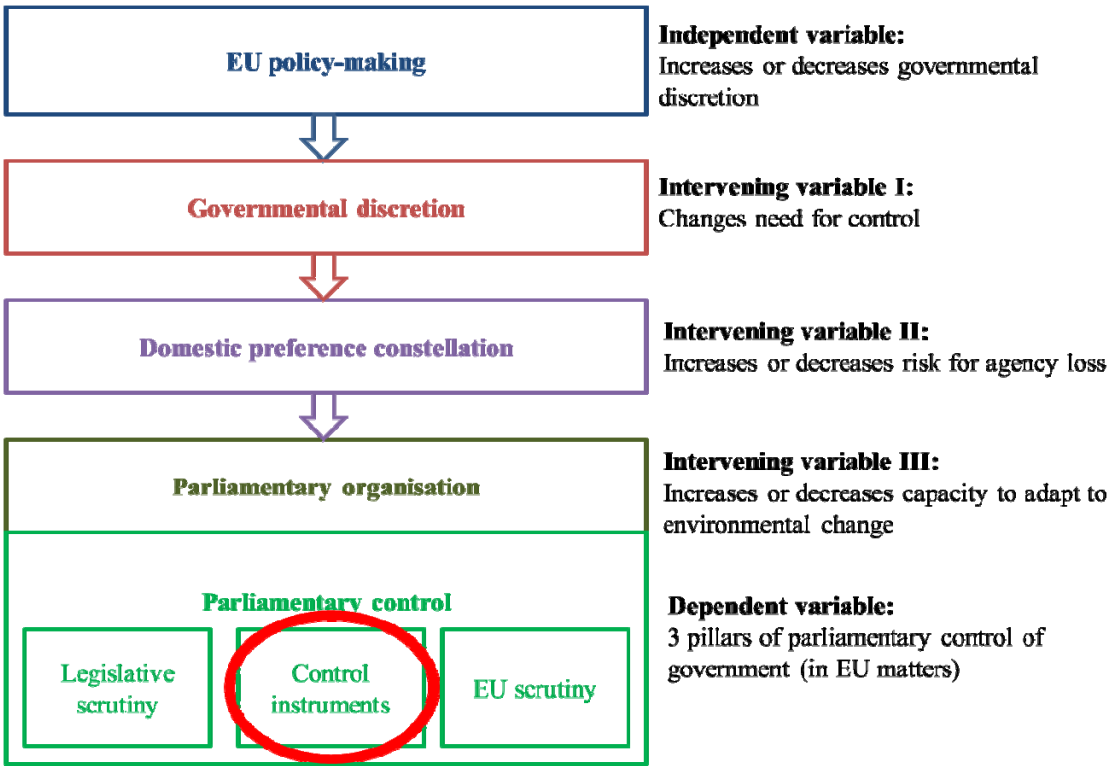
Finally, the **duration a law spends in parliament** decreased between 1999 and 2011 despite the fact that more laws are amended. The legislative procedure has to accommodate the consultation of the State Council on each bill and every amendment. Whether parliament or the State Council have shortened this length is difficult to evaluate. However, whether the bill transposes a directive or not does not change the length of legislative scrutiny.

Further research will be needed to shed more light on a final explanation of those partly contradicting trends. So far, we may conclude that the increase in unanimity, the further increase of party cohesion and the shortening of the legislative procedure amount to a **decrease of legislative scrutiny** in parliament, while the increase of amendments on domestic bills not fully makes up to outbalance this drop.

# Chapter 5. Specific control instruments

Parliaments possess a number of important instruments to control and sanction government. The purpose of this chapter is to take a closer look on the instruments available to the Chamber and how these have been used during the period under investigation, that is between 1999 and 2011. While research on EU scrutiny often neglects a broader concept of parliamentary control, this chapter explicitly takes into account the more traditional control mechanisms and their value for the control of EU matters. To this end, we investigate the Rules of Procedures of the Chamber (RoP) concerning parliamentary control instruments and the Constitution, as well as their use in day-to-day business. This second pillar of parliamentary control thus adds to legislative scrutiny and offers a broad range of activities for every individual MP and in all policy areas (Figure 61).

*Figure 61: The model of enquiry - Specific control instruments*




Instruments of parliamentary oversight are parliamentary questions (PQs), interpellations, budgetary control, motions and enquiry committees. Common to those instruments is that all of them go beyond the ordinary work of committees. PQs, interpellations and motions on the one hand are tools for individual or relatively small groups of MPs, which may be introduced in public session. Budgetary oversight on the other hand is taken over by two committees, that is the Finances and Budget committee (FIBU) and the Committee for the execution of budgetary control (CODEXB U) and based upon three debates in plenary and on the aid of extra-parliamentary actors, that is the Audit Court. Enquiry committees hold judicial competences and are established for the examination of accusations against government and its administration. All of those instruments may concern EU matters, as any other policy area.

In the following sections, we analyse the evolution of formal rules for each of those instruments if and how MPs have made use of them. What is more, we investigate their value for the control of EU matters. The aim is to arrive at an evaluation of changes in the use of those instruments during the period of investigation and with regard to EU matters.

## *5.1. Parliamentary questioning*

Parliament may ask ministers to respond to specific investigations by means of **questions and interpellations**. "*All democratic parliaments have some procedures to allow representatives to put questions to ministers*." (Russo and Wiberg, 2010, p. 215) and so does the Chamber of Deputies. Apart from interpellations, five different forms of questioning exist in the Chamber: Written questions, Urgent questions, Extended questions, Questioning hours and Hours of actuality. In terms of their quantity, PQs are the most frequent among all the control tools at hands of MPs. When it comes to their influence on ministerial behaviour, their value has to be reassessed. Not least, some of those PQs are more immediate than others and give ministers a varying amount of time for preparation. Their format differs when it comes to the time given for a public elaboration of the matters at stake. In our analysis, we point to the change of formal rules during the period under investigation and the patterns of their use also in EU matters in order to arrive at an accurate evaluation of developments. Rules alone do not tell about how commonly an instrument is used, but must be known, in order to evaluate its effectiveness.

### 5.1.1. Formal rules on parliamentary questions and interpellations

The RoP start with **general provisions** on PQs (art. 75 RoP 1999-2004, art. 79 RoP 2007-2011). For all PQs it holds that every individual MP has a right to question government. Questions are thus a typical opposition instrument, but also a way for majority MPs to profile themselves. In terms of their content, all PQs should be formulated in a short and neutral way. The admissibility of PQs is outlined as a function of their interest for the general public, their importance and actuality. It is upon the Speaker of parliament to decide whether a PQ meets those criteria. In case he/she has doubts, he/she consults the Conference of Presidents, that is the parliamentary steering organ including the leaders of all parliamentary factions and technical groups. The final decision on the admissibility of a PQ lies however in the hands of the Speaker, without possibility for objection. If a minister has responded to a PQ, the same question may not be issued again during the same session.

The rules for **Written PQs** are outlined in the subsequent Article 80 (RoP 2007-2011, ex art. 76 RoP 1999-2004). A MP who wishes to question a minister in written form has to hand in the text of the PQ to the Speaker first. If the PQ is admitted, the Speaker sends it to the respective minister and informs the Chamber on its deposit in the subsequent public session. The minister sends a written response to the PQ within one month back to the Speaker who forwards it to the MP and informs the whole Chamber about the response in the next public session. If the minister fails to respond within the period of one month, he/she informs the Speaker giving the reasons for the delay and the probable date when the response will be delivered. As of 2003, the RoP give the Speaker the

formal authority to accord the minister an additional time span to answer the PQ. Both, PQ and its response are subsequently published in the minutes of the Chamber. If the minister has failed to answer the PQ within one month, the MP has the right to question the minister orally in public session.

**Urgent questions** are a regular form of oral PQs (art. 77 RoP 1999-2004, art. 81 RoP 2007-2011). Again it is the Speaker who decides about admissibility and whether the urgency is justified. Interestingly, until 1999 it was the minister, not the Speaker, who could decide about the urgency status of a PQ following Article 77(2). This change is symbolic. If urgency is accorded, the MP has five minutes to outline the question. The minister is given ten minutes to respond. An urgent question may still be handed in during a public session. In this case, the minister answers the question as next point on the agenda.[175] If no public session is foreseen, the minister gives a written response within one week.

A third form of PQs after Written and Urgent questions are **Questions with debate** (art. 78 RoP 1999-2004), that is the later **Extended questions (**art. 82 RoP 2007-2011). The former title was regarded as misleading for ministers and MPs, who expected a real debate following such PQs.[176] This was however not the case. Surely, a certain amount of time in public session is devoted to a limited number of Extended questions. Every political faction (and political affiliation without the status of a faction) may introduce a number of Extended questions by public session, which corresponds to the double of the

[175] Clerk of the Chamber of Deputies, face-to-face interview, 25 September 2013.
[176] Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013.

number of their seats. For instance, the Left is represented with one MP in Legislature 3 (CSV/LSAP II) and may thus introduce two Extended questions in each public session.

Two weeks before the public session takes place, the Speaker communicates the respective PQs to government. The PQ is "*extended*" or "*with debate*", because after the presentation of the PQ by the MP and the response by the minister, the MP may add a brief complementary oral question which the minister may again briefly answer. However, the time given by PQ does not exceed the time of Urgent questions and amounts to five minutes for the MP and ten minutes for the minister, including the complementary PQ.

Fourthly, the Chamber knows so-called **Questioning hours** (art. 78-1 RoP 1999-2004, art. 83 RoP 2007-2011), which, since 2000, take place every Tuesday in the beginning of a session. In terms of their content, MPs may orally question government on matters of actuality, except technical issues. They were more limited regarding the content of Questioning hours until 1999, when MPs could only introduce matters included in the declarations on the government programme, on the State of the nation and on foreign policy (art. 78(2) RoP 1999). Also until 1999, the number of PQs which could be introduced by majority and minority MPs was limited to three each. After 2000, their number could be decided by the Speaker, who overviews the balance between questions posed by majority MPs and opposition MPs (art. 78(3) RoP 2000-2003, art. 83(3) RoP 2007-2011).

PQs for Questioning hours have to be handed in to the Speaker at least three hours before the start of the public session and in written form. The amount of time given for each of the PQs is lower than for urgent and extended PQs. A MP may outline its content within two minutes, a minister may respond within four minutes (and eight minutes until 2000). Opposition and governing factions pose their PQs in turns. As of 2003, it was introduced that PQs which could not be considered during such Questioning hours would be considered withdrawn but may be re-introduced in a subsequent public session.

Finally, since 2000 the Chamber gives MPs the possibility to orally question government in **Hours of actuality** (art. 78-2 RoP 2000-2003, art. 84 RoP 2007-2011). Those take usually place right after the Questioning hours, every Tuesday in a public session and if a political faction or affiliation has demanded so. In contrast to Questioning hours, MPs are given more time to outline their questions. If a faction has demanded such an hour of actuality, it is given ten minutes; all other factions may speak during five minutes, and political affiliations remain two minutes. Government may respond within fifteen minutes. The RoP specify as of 2003 that Hours of actuality that were asked to take place but did not fit into the agenda would be considered null three weeks after their demand.

**Interpellations** are a separate form of interrogate government (art. 82-3 RoP 1999-2004, art. 88-9 RoP 2007-2011). Every MP has the right to introduce an interpellation of government. It is specified that only individual MP may do so, that is not a group of MPs or a faction. The MP sends a respective written declaration to the Speaker, including an outline of contents of the interpellation. The Chamber fixes a date for the interpellation,

until 2000 in accordance with government (art. 82(4) RoP 1999). After 2000 the Conference of Presidents fixes the date (art. 82(4) RoP 2000-3, art. 88(4) RoP 2007-11 RoP), in accordance with a government representative (that is an official of the Central Service of Legislation or the minister). The interpellation has to take place within six months after its introduction, except the respective MP agrees to a later date (art. 82(5) RoP 2000-3, art. 88(5) RoP 2007-11).

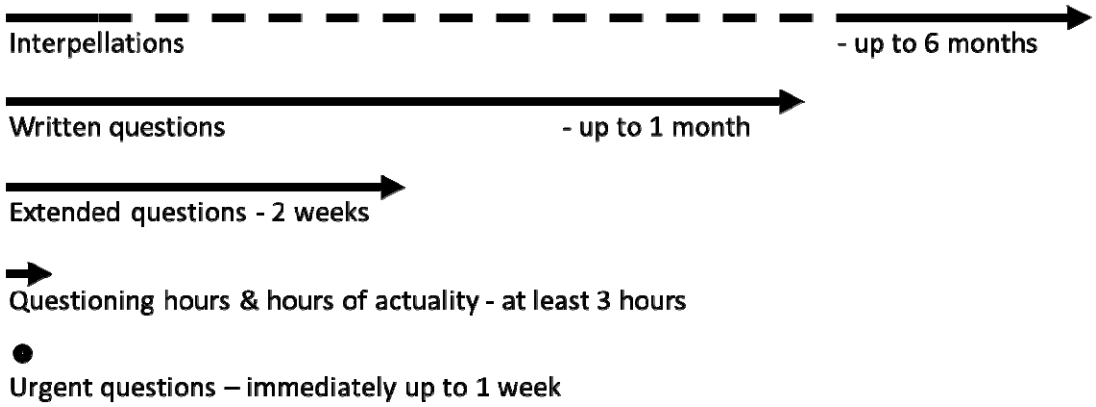
Like PQs, an interpellation should contain issues of general public interest. Interpellations have to be finished during one public session unless the Chamber decides otherwise. The MP who has introduced the interpellation is the only MP who may speak and takes the word in the beginning. The minister speaks last (art. 82(9) RoP 2000). If an interpellation is not admitted, the Conference of Presidents may decide that an interpellation is transformed into a PQ (art. 83 RoP 1999), a so-called "*debate for orientation*"[177] (art. 83 RoP 2000), or an Hour of actuality (art. 83 RoP 2003).

Thus, the different forms of questions give ministers varying amount of **time for preparation**. Oral questions are more immediate than written questions. The most direct form of questions is Urgent questions and questions posed during Questioning hours and Hours of actuality. Three hours before they start, the MP may still hand in new questions. Even Urgent questions give ministers more time, in case no public session is scheduled (in case a PQ is posed at the end of a parliamentary year, just before the summer break

[177] A "*débat d'orientation"* may be initiated by the Chamber (since 2000 on the request of at least five MPs) on a topic of general interest. A committee may be charged to prepare a report on the subject matter which is then discussed in public session and in presence of the government which is heard last (art. 91 RoP 2007-2011, art. 85 RoP 1999-2004).

for instance). Extended questions are sent to the minister two weeks before they are answered in public session. Written questions leave the minister with up to one month to respond. Finally, interpellations are the least immediate form of questioning. They may give the minister up to six months of preparation (Figure 62).

*Figure 62: Immediateness of questions and interpellations*




The different forms of oral questions allow for varying amounts of **time** for the outline of the question and its response. PQs asked during Questioning hours take with eight minutes the least time, urgent and Extended questions require 15 minutes and Hours of actuality amount to around half an hour, depending on the number of factions represented in the Chamber. Interpellations are the most extensive form of questioning. They may consume one entire public session. The members of government are given twice the time to respond than the outline of a question may take by a MP. Only during Hours of actuality, they have to limit themselves to fifteen minutes, that is around half the time the factions have to express their different perspectives. The time given to the MP at the source of an interpellation and the time for the minister to respond is not fixed (Table 23).

*Table 23: Time consumption of different question forms, minutes*

| | MP | minister | total |
|---|---|---|---|
| Urgent questions | 5 | 10 | 15 |
| Extended questions | 5 | 10 | 15 |
| Questioning hours | 2 | 4 (8 until 2000) | 6 (10 until 2000) |
| Interpellations | not stated | not stated | one public session |
| Hours of actuality | 10 (5, 2)[1] | 15 | 32, 30 (30), 29 [2] |

[1] 10 minutes are given to the introducing faction, 5 to the other factions and 2 to the political affiliations not making part of factions.
[2] 32 minutes in Legislatures 1 and 3 (with five factions in place and one political affiliation), 30 respectively 24 in Legislature 2 (CSV/LSAP I) (5 factions in place and no political affiliation until 2006, and 3 factions and two political affiliations when Aly Jaerling left the ADR, which subsequently held only four seats)

This outline of the six different questioning tools at the hands of MPs in the Chamber, including their immediateness and time consumption, affords us to examine in a second step their actual use.

### 5.1.2. Parliamentary questions and interpellations in practice

The use of PQs in the Chamber increased almost exponentially since 1945. While the first (1945-54) to fifth legislature (1969-74) after World War II witnessed only a slight increase from 289 to 350 PQs, the rise in their numbers did not stop until the ninth legislature (1989-94), when the amount of PQs peaked at 2,659 within five years. Subsequently, their use remained stable until MPs introduced a new record of 3,242 PQs between 2004 and 2009 (twelfth legislature). This means that more than ten times more PQs are issued today than it was still in the beginning of the 1970s. According to MPs and parliamentary staff, this increase is mainly due to the increase of MPs' resources.

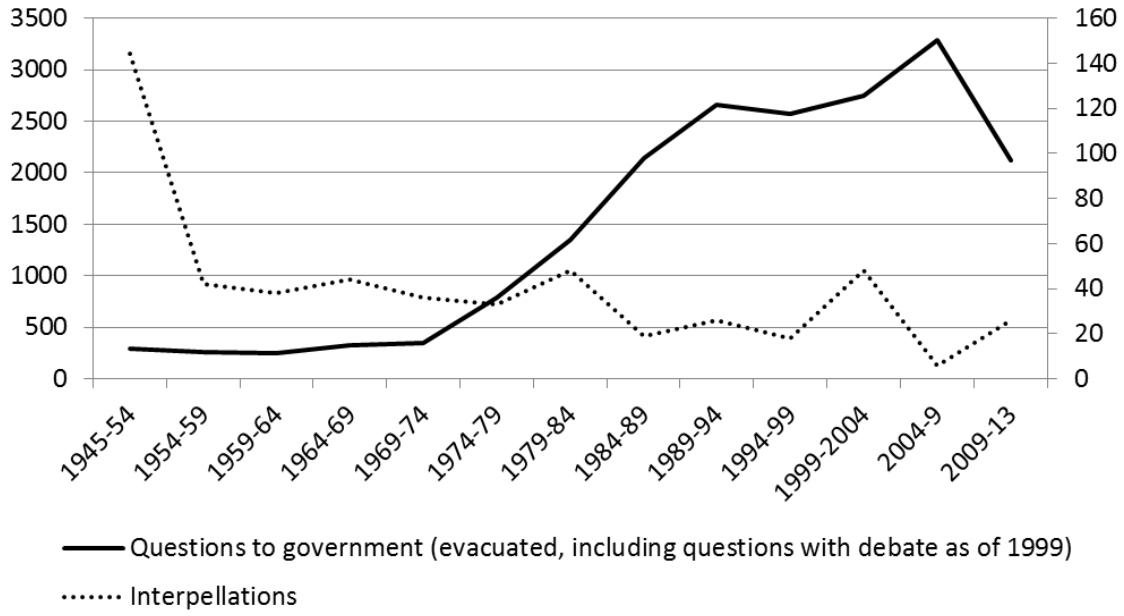
While members of parliament had basically no support in the 1990s still, they now rely on a decent staff of advisors and specialists, who are able to draft laws as well as PQs.[178]

Compared to PQs, interpellations remained at low levels over the whole period. Only in the first legislature 1945-54, their number came up to 144. Up to legislature 1979-84, between thirty and fifty interpellations were issued per legislature. Their use declined to around twenty until legislature 1994-9. In legislature 1999-2004, MPs increased their activity again to almost 50 interpellations in the five parliamentary years, but their use fell down to only six in legislature 2004-9. Lately, in legislature 2009-13, they became more popular again, when 26 interpellations were evacuated (Figure 63).[179]

[178] Member of the Chamber of Deputies, face-to-face interview, 13 June 2013, Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

[179] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu, printed minutes of public sessions and activity reports.

*Figure 63: Questions and interpellations, absolute numbers, 1945-2009*




Written questions represent the largest part of questions to government. Between 1999/2000 and 2010/1, they always made up more than 80% of all questions and at times more than 90%, that is in the parliamentary years 1999/2000 and 2010/1 (Figure 64 and Figure 65). On the average, around 87% of all questions required thus a written response of the minister, whereas he/she could respond orally in public session in 13% of the cases.

*Figure 64: Written and oral questions, absolute numbers, 1999/2000-2011/2*

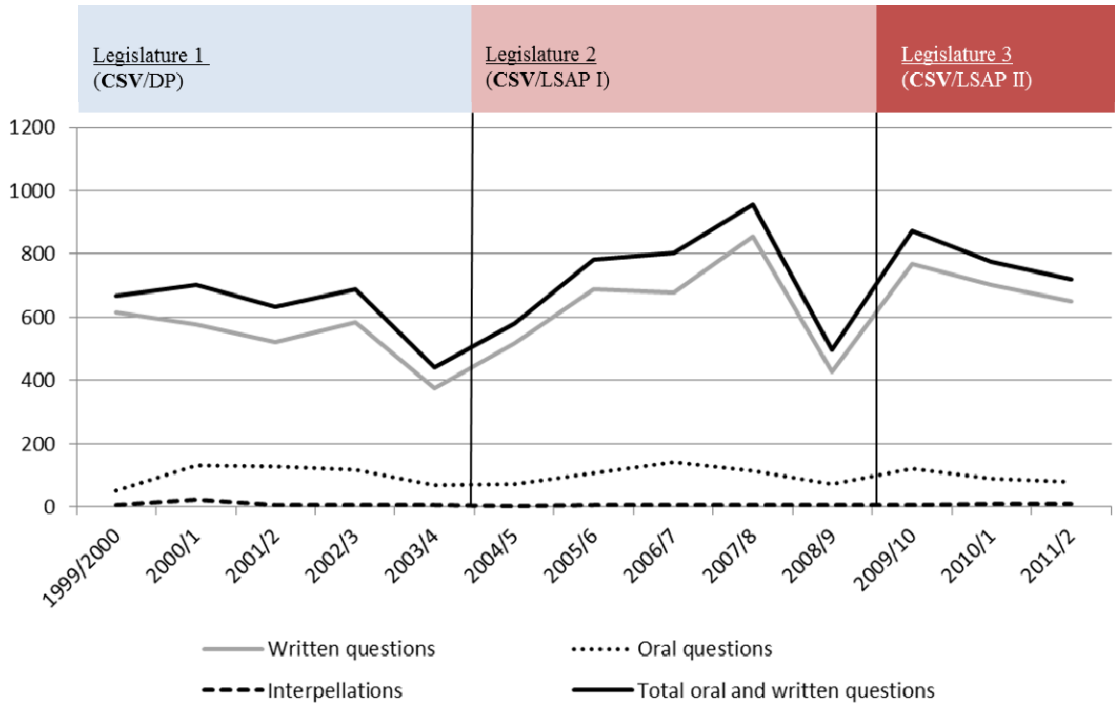
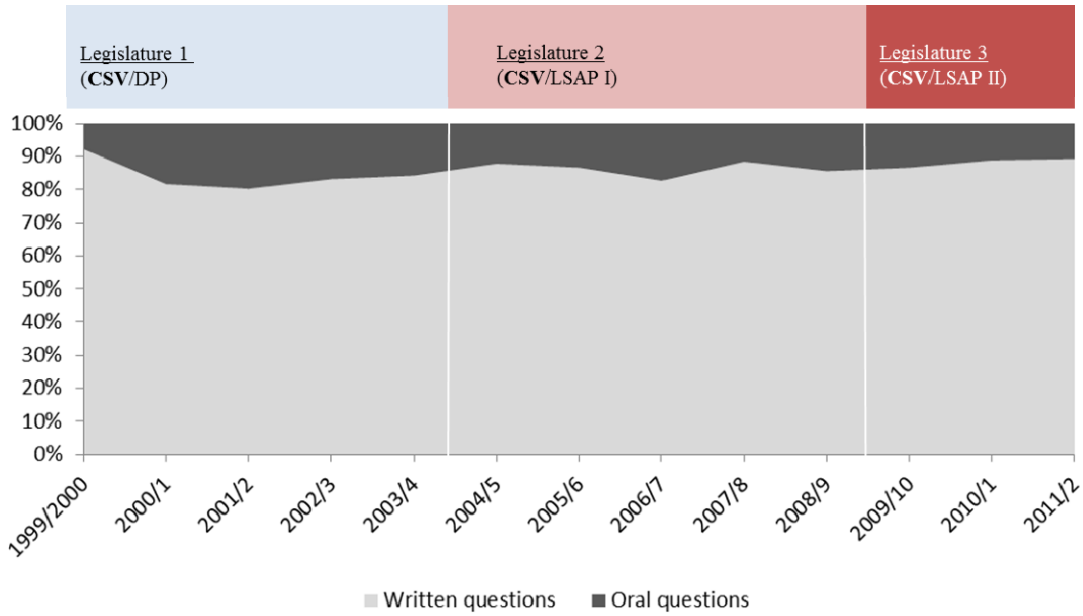
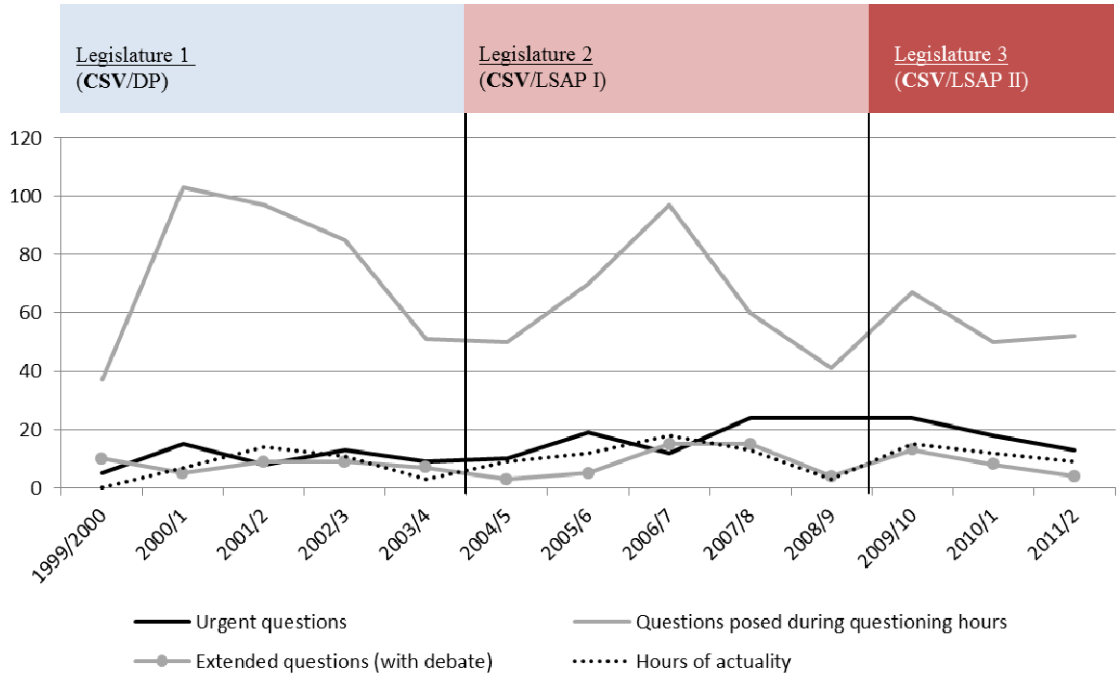



*Figure 65: Written and oral questions, percentages, 1999-2011*



Among the oral questions, the questions posed during Questioning hours are the most frequent ones. In comparison, Extended questions, Hours of actuality and Urgent questions stay at rather low numbers. Urgent questions have however increased to more than twenty per session in the recent years (Figure 66).

*Figure 66: Oral questions by type, absolute numbers, 1999-2011*




Interviews with parliamentary and ministerial administrators confirm that PQs certainly serve controlling government.[180] At the same time, posing many PQs is good for the image of a MP and serves to make the general public aware of a topic. Nonetheless, only few PQs are interesting and suggest themselves. PQs mostly deal with local problems and conflicts and issues of interest for the general public. EU issues are not a dominant topic.

[180] Clerks of the Chamber of Deputies, face-to-face interview, 10 June 2013, and Official of the Ministry for Relations with Parliament, face-to-face interview, 25 May 2013.

If they are subject to PQs, they concern specific topics, such as the abolition of pesticides to protect the bees for instance. What is more, PQs are not always taken very seriously. For instance, a CSV MP recently introduced a question about the train he sat in the same morning, which was five minutes behind schedule. This caused great laughter, also from the side of the press and adds to the picture of a provincial parliament, which leaves aside the real, big problems. The Speaker could have prevented such question, as he/she decides about its "*admissibility*". Only very few PQs are rejected by the Speaker. The reasons are mostly that PQs were already posed before, or treated "*too local issues*". If the Speaker indicates that he/she has a problem with the admission of a question, the parliamentary administration in this case contacts the MP who normally rewrites the question. [181]

Simultaneously to the introduction of a PQ in parliament, the MP sends it to the press. Sometimes, the administration only receives information after the press. But also the administration automatically sends information about PQs to the press, which are anyway available on the internet site of the Chamber. Some opposition MPs make a real difference in the introduction of PQs and issue around 200 PQs per year. Depending on the committees the MP is sitting in and thus her specialisation, this directly impacts on the respective ministry which might become very busy with PQs. For the opposition, posing PQs is important in order to get involved in the public debate. Some PQs seem to go back to citizens and interest groups. But ministers too ask MPs to table PQs in order to clarify issues in public. Although ministers are obliged to respond to PQs within one

[181] Clerks of the Chamber of Deputies, face-to-face interview, 10 June 2013, and Official of the Ministry for Relations with Parliament, face-to-face interview, 25 May 2013.

month, and despite repeated reminders of the government service concerned with PQs (the "*Central Service of Legislation*" (SCL)) and the parliament administration, many PQs exceed the deadline. Many of them are answered within the month following the deadline. Ministers may ask for a prolongation of the deadline.

What is more, MPs often do not follow up their response. They could put a written question on the agenda of a plenary session if the ministry does not stick to the one-month-delay and does not ask for a prolongation of the deadline. Not many of the MPs do so and if so, they announce it in advance. Then the minister has to respond. Still, around 60 to 70 PQs remain without answer, one of them dating back to 2006. That is, 5 to 6 PQs per parliamentary year. The Central Service of Legislation suggested setting back PQs of the last legislature in 2009. However, this proposal was rejected by the Conference of Presidents. Generally, there is a possibility to introduce unanswered written PQs in a questioning hour before the summer and winter leave. Some MPs refuse to do so as oral answers are less detailed and extensive. Understandably, opposition MPs are more active in the follow-up of their PQs than MPs of the majority.

### 5.1.3. Parliamentary questions as tools for EU scrutiny

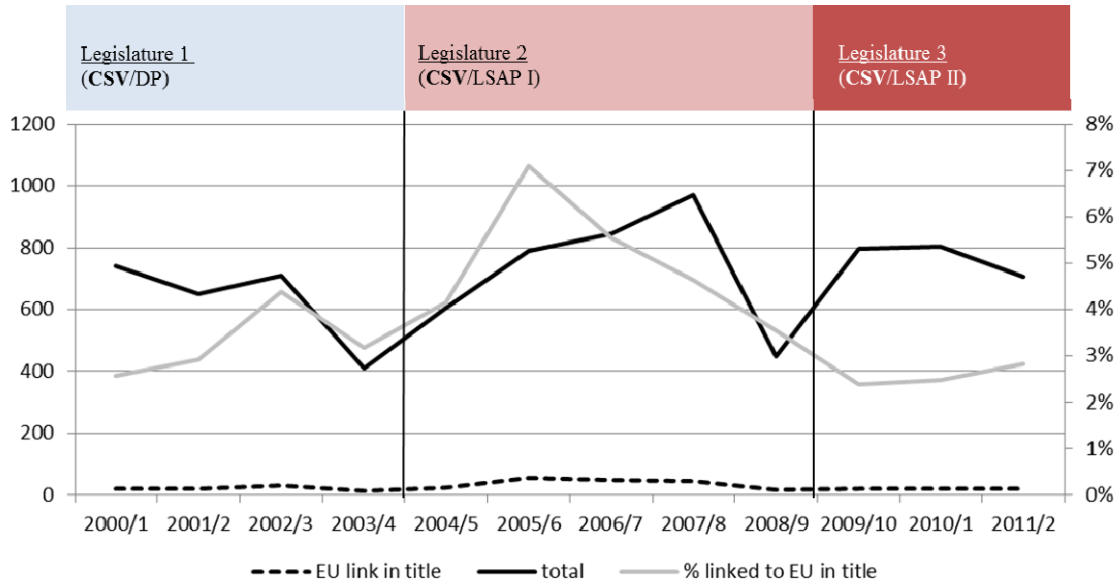
Within this section, three different EU links are examined in PQs. Those three measures illustrate a trade-off between breadth and depth. While none of the three measures alone shows a representative picture of the use of PQs for EU scrutiny, the three together give a more accurate picture.

The most in-depth measure is the **investigation of the content** of PQs. Such investigation reveals rather time consuming and we thus had to limit it to all written PQs posed to the government in the first half of 2010 only (N=823). It reveals that around 11% of them are related to European integration.

A second way to measure the EU relatedness of PQs is by an **investigation of their titles**. This enquiry of all titles of PQs enables us to observe the appearance of EU matters in PQs over a 10-year time span, that is between the parliamentary years 2001/2 and 2011/2.

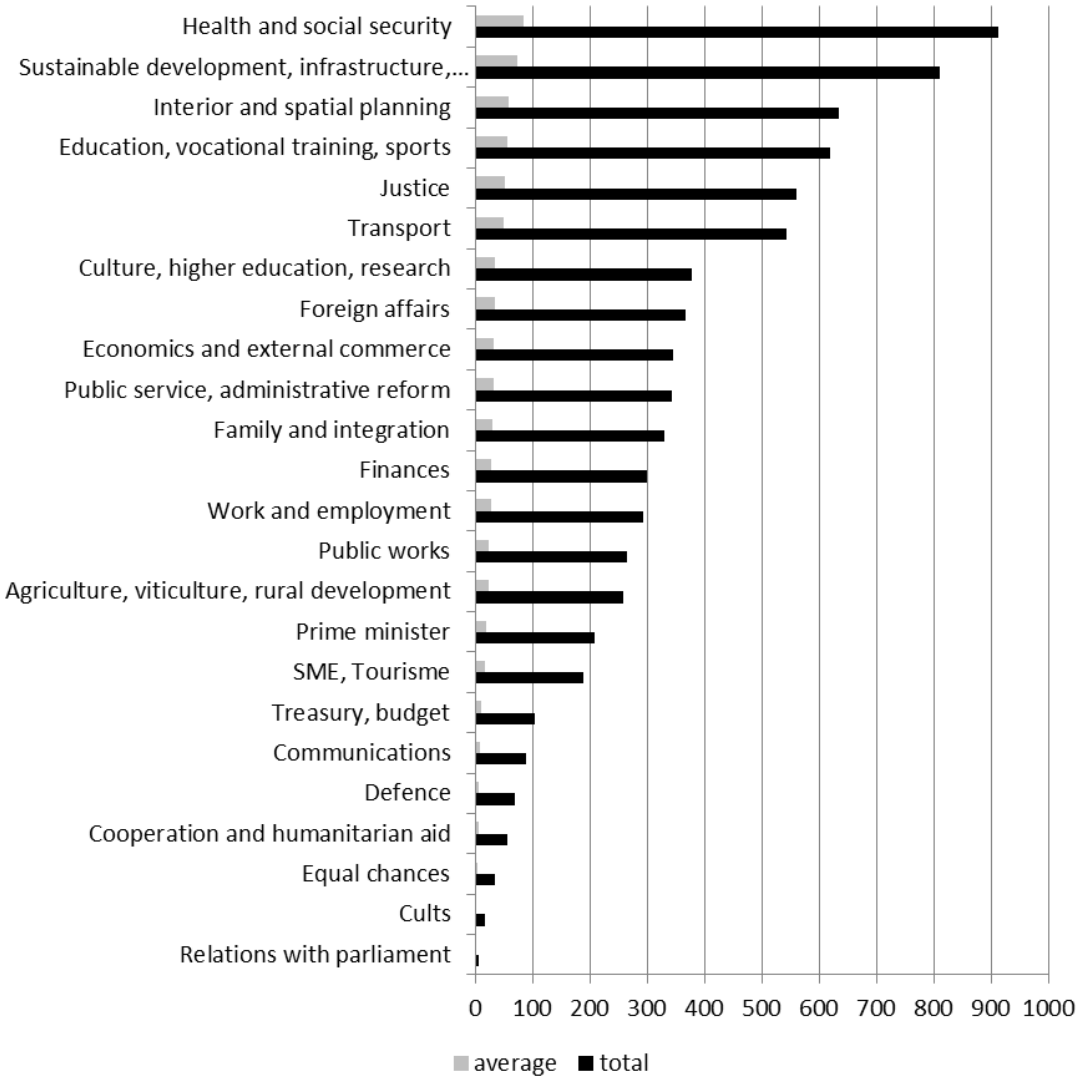
Not surprisingly, the percentage of PQs containing an EU link in the title is much smaller than the one found in the whole text bodies. On average, 3.8% of the analysed PQs issued between 2000/1 and 2011/2 contain an EU link in their title. This percentage varies between 2.3% in 2009/10 and 7.1% in 2005/6. Figure 67 shows the development for the whole period. No clear increase in the Europeanisation of PQs may be observed in Luxembourg over time. Their percentage and absolute number peaks in 2005/6, just after Luxembourg's Presidency of the Council of the EU in the first half of 2005 and the referendum on the Constitutional Treaty in June 2005. At the same time, parliament restructured its internal procedures regarding EU affairs (compare with chapter 6).

*Figure 67: EU link in title of PQs, absolute numbers and percentages, 2000/1-2011/2 (N=7,717)*



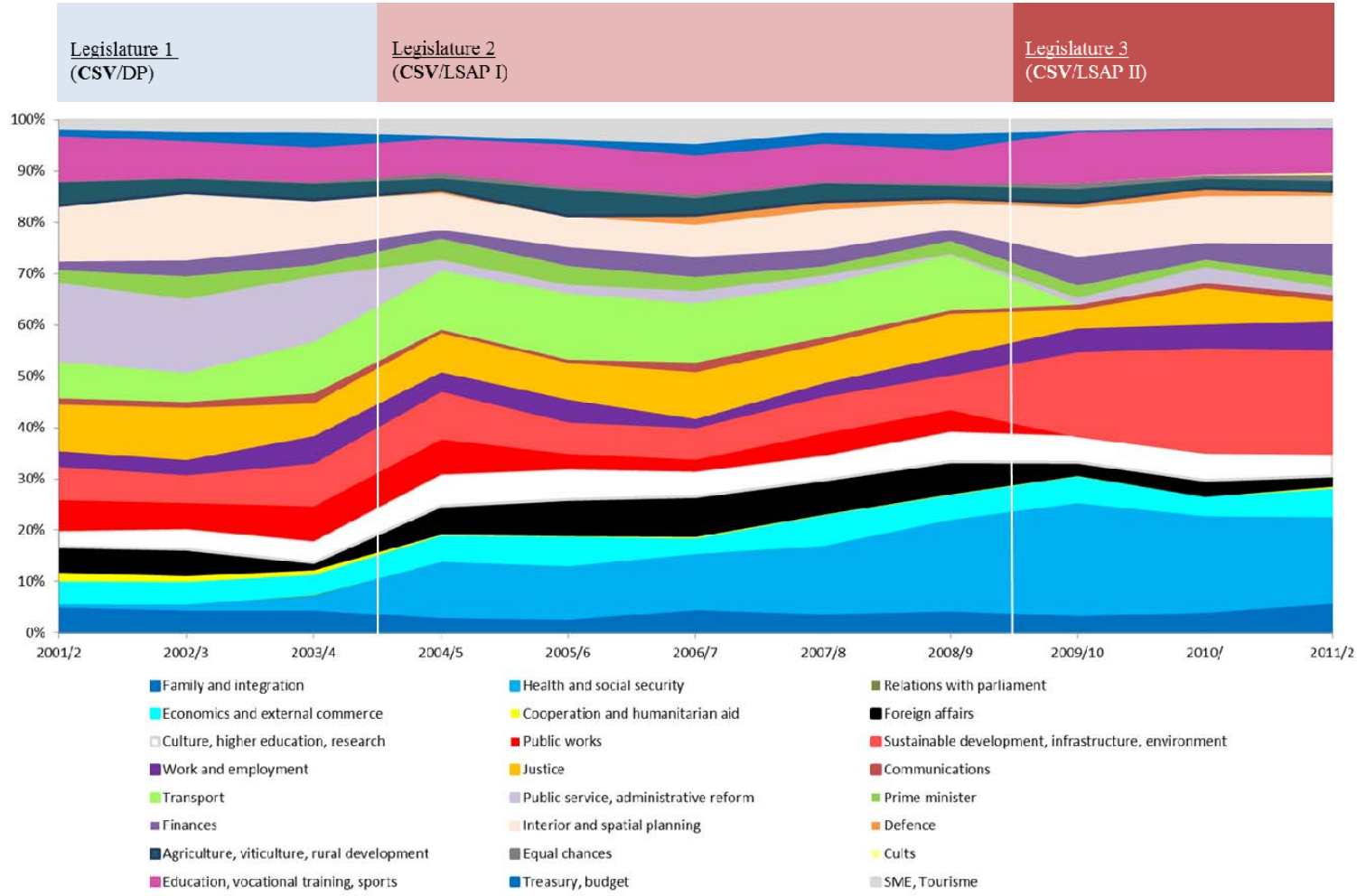

A third measure we introduce here to better evaluate the Europeanisation of PQs is by considering the **addressee**. The addressed ministry indicates the policy area a PQ belongs to. European affairs are dealt with in the Foreign affairs ministry in Luxembourg. We have summarized ministries which were split or transformed during some years within the period under investigation. Health and social security, Sustainable development, infrastructure and environment as well as Interior and spatial planning issues range among the topics most often addressed by MPs. Foreign affairs rank 8$^{th}$ among 24 issue areas. This confirms an observation made by some of our interviewees: PQs are most often used in order to signal activity in local issues and issues of interest for the electorate. The Ministry for the relations with parliament has thus received the least PQs, followed by the Ministry for Cults, Equal opportunities, Cooperation and humanitarian aid and defence (Figure 68).

*Figure 68: PQs by ministry, average number by year and absolute numbers, 2001/2-2011/2 (N=7,717)*




The patterns over time are difficult to represent in a figure, but it is visible that the Foreign affairs ministry has lost on importance as an addressee for MPs' PQs within the recent years (in black, Figure 69).

*Figure 69: Questions by ministry, percentages, 2001/02-2011/2 (N=7,717)*



The number of PQs addressed to the Foreign affairs ministry, compared to the average number posed to the other ministries also fell within recent years (Figure 70). As of the period of presidency and referendum, between 2004/5 and up to 2008/9, Foreign affairs were questioned more often than other areas. Not surprisingly, the percentage of PQs containing an EU link within their title is the highest for the Foreign affairs ministry, followed by the Prime minister's office, Cooperation and humanitarian aid and Communications (Figure 71).

*Figure 70: Average number of questions by ministry and number of questions to Foreign affairs ministry, 2001/2-2011/2 (N=7,717)*

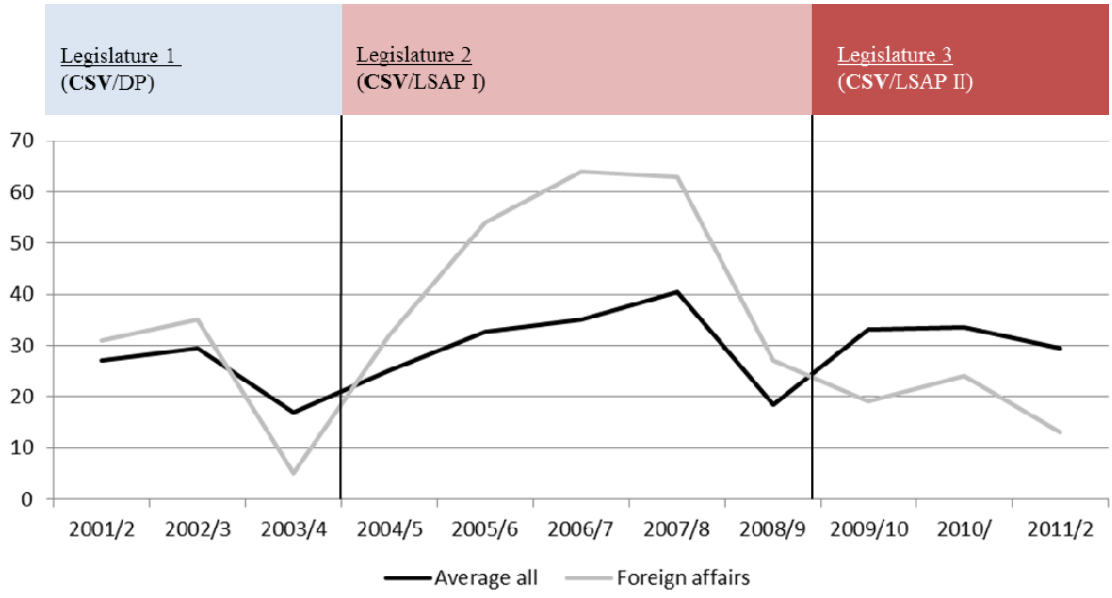
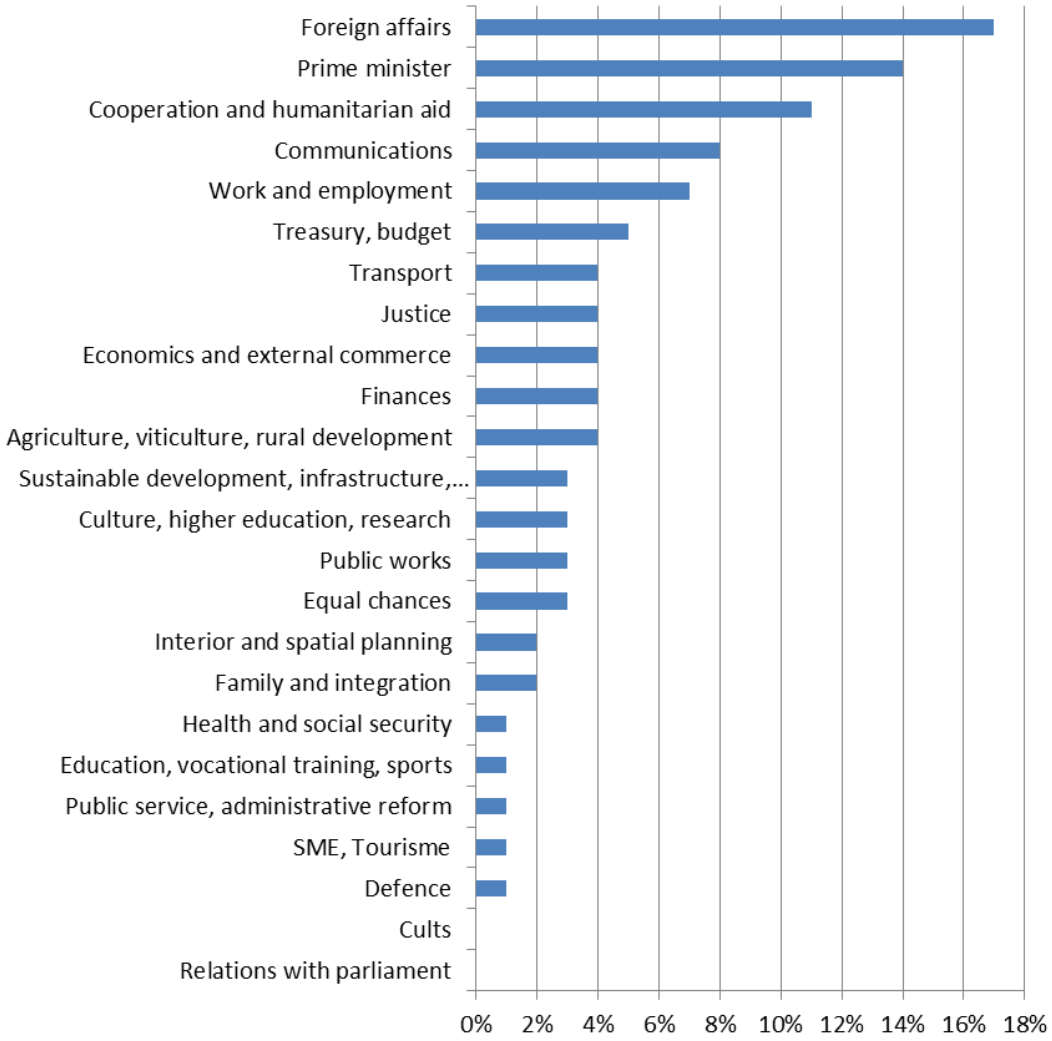


*Figure 71: PQs dealing with EU affairs (in title) by ministry, percentages, 2001/2-2011/2 (N=7,717)*




### 5.1.4. Summary and conclusion: Parliamentary questioning

Altogether, the MPs in the Chamber possess a good repertoire of questioning tools. It allows them to exert pressure on a member of government with varying immediateness required in their response. Since 1999, the existing **formal rules** on PQs have not much changed, but the spectrum of PQs has been increased. A new form of oral PQs was introduced in 2000: The Hours of actuality give MPs the opportunity to outline their

question more extensively than during Questioning hours. In the same year, the latter were rendered more flexible in terms of their content. The decision on the urgency of PQs was given into the hands of the Speaker instead of the concerned minister. Also Written PQs seem to be a usable tool for putting pressure on ministers, not least because they offer the possibility to question ministers orally if they fail to respond in time.

However, **parliamentary practice** puts this stable pattern of questioning tools in another light. The use of written questions has increased exponentially since 1945. Interviews point to it as an effect of increased staff of parliament and factions. Regarding the period since 1999, written questions account for an average 85% of all questions posed to government. Among the oral questions, questions posed during Questioning hours are the most frequent form. This comes as no surprise, as those are also the shortest form of questioning, giving two minutes to the MP and four minutes to the minister. The trends over time indicate that PQs remain very popular among MPs. Especially Legislature 2 (CSV/LSAP I) as well as the more recent years witness another increase in written questions. The number of oral question remained stable until 2009 but declined in Legislature 3 (CSV/LSAP II). Thus, MPs seem to prefer written and detailed responses from ministers rather than catchpenny but superficial responses in public session. Written PQs are rarely followed up when a minister fails to deliver a response, although the question might be posed orally. It is in the responsibility of a MP to insist on obtaining an answer. Such unanswered PQs may be seen having only signaling function and serve the electoral purpose rather than the control of government.

PQs are covering all sorts of topics and among them most prominently range local problems and conflicts and issues of interest for the general public. EU matters are less of a concern in PQs. An examination of the content of written PQs issued during the first semester of 2010 shows that 11% of them contained a reference to European integration in their text body. They do however not specifically recur to PQs to outbalance information asymmetry in EU matters. While MPs address negotiations at EU level from time to time, they are not systematically using PQs to require information. Rather, they pose questions which recur to matters of actuality and public interest.

This pattern shows in the investigation of the evolution of PQs on EU matters over time. Their share is particularly high during the period around the Luxembourgish referendum on the Constitutional Treaty and its Council of the EU presidency. Especially in 2005/6, PQs on European integration jump to their highest level within the period under investigation. Almost 7% of all written PQs indicate a link to EU matters in their title and in this respective parliamentary year, compared to an average of 3.8% over the whole period. MPs use PQs in EU matters as in any other policy area. Their number decreased again after those events have lost actuality.

## *5.2. Budgetary control*

Budgetary control is one of the most important control functions of parliament. Ministers are accountable to parliament with regard to past spending, and parliament checks and authorises future expenses. This section sets out to determine the main developments in the area of budgetary control between 1999 and 2011 and includes an outline of changes

in the formal rules of budgetary control within parliament. What is more, the practice of budgetary control is investigated and the links between the domestic budget, European integration and budgetary control examined.

### 5.2.1. Formal rules on the budget

The Luxembourgish Constitution (C) gives the general framework for the budgetary procedure in Chapter VIII (Des Finances, art. 99-106 C). The Chamber is determined to have the final say in all budgetary matters: No tax may be introduced and no public spending of whatever sort may be made unless the Chamber decides so in a special law. A general law of 1999[182] gives the thresholds below which no such law is necessary (art. 99 C). It furthermore stipulates that budgetary laws are limited in their validity and expire after one year, unless they are renewed (art. 100 C). Thus, the Chamber has to vote annually on the budget where all public revenue and spending have to enter (art. 104 C).

In tax matters, no privilege may be given. Exceptions and mitigations of taxes are illegal, except the Chamber decides so (art. 101 C). Inversely, no contribution to the state budget may be demanded from citizens or public establishments (art. 102 C), and no payments to life beneficiaries may be made in whatever form (art. 103 C), unless a law decides so. While all the above mentioned provisions were not changed during the period of investigation, Article 105 was adapted in 1999. It defines the role of the newly created Audit Court to control public finances and assist the Chamber in its budgetary control function (art. 105 C).

[182] The following law fixes those thresholds: Loi du 8 juin 1999 sur le budget, la comptabilité et la trésorerie de l'Etat, art. 80 (Mém. A – n° 68 du 11 juin 1999, p. 1448 ; doc. parl. 4100).

Apart from the constitutional provisions, Title IV of the RoP more closely defines the procedures regarding budgetary control in the Chamber. In recent years, those rules remained largely the same, but they were subject to change in the beginning of the period under investigation, in 2000 and 2003. The Chamber obliges itself to examine and discuss the political and financial possibilities of the government in the framework of its budgetary procedure (art. 87 RoP 1999-2004, art. 92. RoP 2007-2011).

The RoP foresee that a debate on financial and budgetary matters is taken up on three occasions: Firstly, during the examination of the law on the state expenses, secondly, during the examination of the preliminary budget (that is in a debate on the financial and budgetary policy) and thirdly, when the government, that is the Prime minister outlines his/her speech on the state of the nation.

The provisions in the RoP concerning the **approval of state expenses** of the preceding financial year are held rather brief. Government is obliged to deposit a respective law project until 31 May at the latest. On 30 September at the latest, the Audit Court communicates its observations to the Chamber (art. 115 RoP 2000-2003, art. 113 RoP 2007-2011). Before 2000, the exact dates were not fixed (art. 115 RoP 1999). The change in the choice of words gives an indication of an increased self-conscience of the Chamber when Article 113 RoP (2007-2011) states "*the law on the state spending is deposed at the Chamber by the government*" instead of "*the government is invited to deposit*" (art. 115 RoP 1999-2004) (compare with Annex 1.4.).

More extensive are the rules on the adoption of a law on the **preliminary budget and its debate**. New provisions on infrastructural projects were introduced in 2007 (art. 99-102 RoP 2007-2011). They state that the government has to deliver a list of priorities concerning ongoing infrastructural projects which costs exceed the limit foreseen in Article 99 of the Constitution on 30 June at the latest. Subsequently, the concerned committees examine the list and their respective reports are discussed in a public session taking place every year at the latest in the second week of October. Those infrastructural projects, which the Chamber accords the excess of expenditure, are approved in motions. The changes in spending have to be included in the preliminary budget law so that government may induce payment or public tenders.

While the minister responsible for the budget could **initiate a preliminary budget** law until the third week of September at the latest (art. 99 RoP 1999-2004), he/she was given an additional month as of 2007 and may now deliver such bill project until the third week of October at the latest (art. 103 RoP 2007-2011). The State Council and the professional chambers, as well as the Audit Court after its creation in 2000, should deliver their opinions during the six weeks that follow the deposit of the preliminary budget law until 2007 (art. 100 RoP 1999-2004) and until November 15 thereafter (art. 104 RoP 2007-11). Interestingly, since the procedures for the preliminary budget have been shifted to the end of the year, amendments do not occur anymore.[183] This suggests that government remains flexible to anticipate and adapt next year's spending.

[183] Official of the State Council, face-to-face interview, 3 October 2013.

The **finance and budget committee (FIBU)** of the Chamber examines the bill project on the budget. More detailed rules on the proceeding in the FIBU have been deleted in 2000 and 2003, but the RoP still state today that the report of the FIBU has to be approved at the end of the third week of November the latest (art. 101 RoP 1999-2004, art. 105 RoP 2007-11). It is furthermore explicitly mentioned that the FIBU may invite members of government and that other parliamentary committees may consult their corresponding ministries with regards to the budget. What is more, those committees may draft a report for the attention of the FIBU, which is subsequently published together with the FIBU report. Inversely, the FIBU may also ask respective parliamentary committees to deliver opinions on specific matters (art. 102-3 RoP 1999-2004, art. 106-7 RoP 2007-11).

Every individual MP, all committees, political factions and affiliations may send **questions on the preliminary budget bill** for the attention of the FIBU, which decides about their admissibility and forwards them to the respective members of government. They have to respond within ten days after reception. Both, questions and answers are published in the annex of the FIBU report (art. 104 RoP 1999-2004, art. 108 RoP 2007-11).

The **report** is then presented in public session, on the first Tuesday which follows the adoption of the report in the committee and at the latest on 30 November (art. 109 RoP 2007-11). Before 2007, this was done on the first Tuesday of December (art. 105 RoP 1999-2004). The next day, government presents the report in the Chamber and the debate starts on Tuesday of the following week. It is limited to one week in total and exclusively

devoted to financial and budgetary matters (art. 105-6 RoP 1999-2004, art. 109-10 RoP 2007-2011). Time limits on governmental amendments were deleted in 2007 (art. 107 RoP 1999-2004). Furthermore, the RoP state the distribution of time in the debate (art. 108-10 RoP 1999-2000, art. 111 RoP 2003-11) and the date of vote on the law (at the latest on Thursday of the third week of December) (art. 114 RoP 1999-2004, art. 112 RoP 2007-11). Special provisions on parliamentary amendments and motions on preliminary budget laws have been deleted in 2000 (art. 111-3 RoP 1999) and the general provisions apply since.

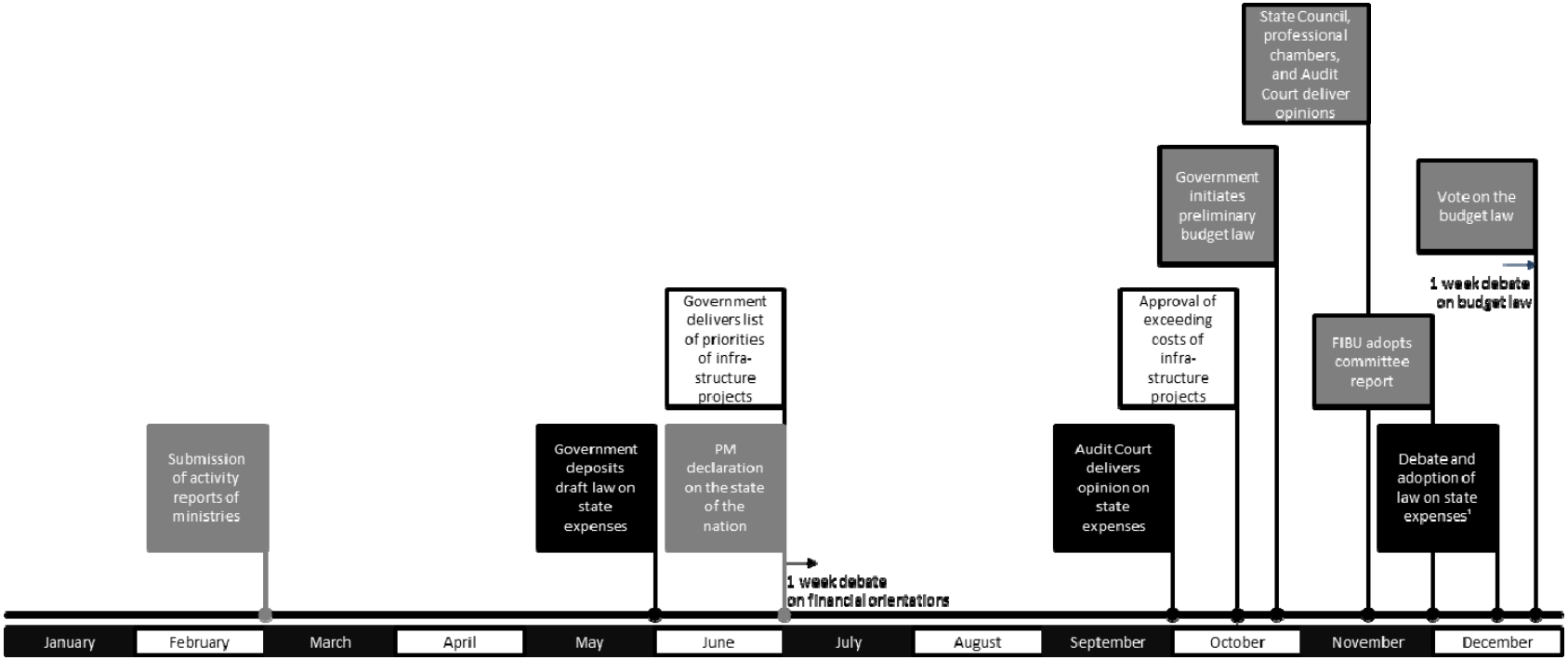
Apart from the preliminary budget and the control of state expenses, the **declaration on the state of the nation** which is held in the first semester of each year is followed by a general debate during one week which touches upon the question of state spending (art. 88-9 RoP 1999-2004, art. 93-4 RoP 2007-11). Interestingly, the actuality debate with a minister which ranged among those provisions (as outlined in art. 93-96 RoP 1999) has been deleted in 2000, but an Hour of actuality occurs since in the provisions on PQs (art. 78-2 RoP 2000-3, art. 84 RoP 2007-11). As of 2003, the FIBU is consulted by the government, after it has drafted its principal budgetary orientations for the next year (art. 96 RoP 2003, art. 97 RoP 2007-11). Before 1 Mars all ministries have to submit to the Chamber activity reports on the past year and budget orientations for the next year (art. 97-8 RoP 1999-2000, art. 97 RoP 2003, art. 98 RoP 2007-11).

Those changes in the formal rules of the budgetary procedure represented a strengthening of the financial oversight of the Chamber, not least on infrastructure projects. The shift of

deadlines to even closer to the end of the year aimed at improving the predictability of future state expenses.[184] An overview of deadlines and formal steps clearly shows that financial oversight is mostly concentrated in the fourth quarter of the year (Figure 72).

[184] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.

*Figure 72: Steps and deadlines for the financial oversight (RoP 2011)*




[1] No delay applies on the vote on the law on past state expenses. In recent years, it has been held in the same week as the vote on the budget law which takes place in mid-September (compare with Table 24 and Table 25).

grey: actions related to the discussion of financial orientations and the declaration on the state of the nation by the Prime Minister
black: steps of the approval of state expenses
black/white: deadlines concerning the excess of costs of infrastructure projects
black/grey: steps of the preliminary budget procedure

### 5.2.2. Budgetary control in practice

As foreseen by the RoP, the FIBU coordinated all **budgetary reviews** and established reports on each of the thirteen budget laws during the period of investigation. Budgetary laws require absolute majorities, just like ordinary laws. Every preliminary budgetary law since 1999 has been approved by the government majority, with all opposition parties voting against.[185] Only back in 1992, a CSV deputy abstained in the vote. The reason for this abstention was an internal conflict concerning the allocation of posts (Table 24).[186]

[185] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu, printed minutes of public sessions.

[186] Fernand Rau was apparently hoping to become European Commissioner, but the CSV did not grant the post to him. Consequently, the deputy renounced from his party in 1993 and became member of the ADR. http://de.wikipedia.org/wiki/Fernand_Rau, last access: 14 October 2013.

*Table 24: Voting results on laws of budgets, 1999-2011*

| *year dossier* | *title* | + | - | ~ |
|---|---|---|---|---|
| *2011 6350* | *Loi du 16 décembre 2011 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2012* | *39* | *21* | *0* |
| *2010 6200* | *Loi du 17 décembre 2010 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2011* | *39* | *21* | *0* |
| *2009 6100* | *Loi du 18 décembre 2009 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2010* | *39* | *21* | *0* |
| *2008 5900* | *Loi du 19 décembre 2008 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2009.* | *38* | *22* | *0* |
| *2007 5800* | *Loi du 21 décembre 2007 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2008* | *38* | *22* | *0* |
| *2006 5600* | *Loi du 22 décembre 2006 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2007* | *38* | *22* | *0* |
| *2005 5500* | *Loi du 23 décembre 2005 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2006* | *38* | *22* | *0* |
| *2004 5353* | *Loi du 21 décembre 2004 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2005* | *38* | *22* | *0* |
| *2003 5200* | *Loi du 19 décembre 2003 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2004* | *34* | *24* | *0* |
| *2002 5000* | *Loi du 20 décembre 2002 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2003* | *34* | *26* | *0* |
| *2001 4848* | *Loi du 21 décembre 2001 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2002* | *34* | *26* | *0* |
| *2000 4700* | *Loi du 22 décembre 2000 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2001* | *34* | *26* | *0* |
| *1999 4590* | *Loi du 24 décembre 1999 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 2000* | *34* | *26* | *0* |
| *1998 4450* | *Loi du 21 décembre 1998 concernant le budget des recettes et des dépenses de l'Etat pour l'exercice 1999* | *38* | *22* | *0* |

The committee concerned with the a posteriori control of state spending is the **Control committee for the budgetary execution** (CODEXBU).[187] Until 1998, the overview of state spending was still in the jurisdiction of the Finance and Budget committee. The creation of the CODEXBU in 1999 signified a will to overview state spending more thoroughly. Also, an Audit Court, independent from the executive, was introduced and replaced the former Chamber of Audit. It serves the parliament as technical expert in controlling government spending (Cour des Comptes, 2010, p. 3 and 5f). Both, the CODEXBU and the Audit Court increased the expertise of parliament in the field.

[187] Commission du contrôle de l'exécution budgétaire

The CODEXBU analyses the government expenses with the help of the reports and communications of the Audit Court on the financial management of the state. Also, the Committee may ask the Audit Court to examine a certain issue and organize exchanges with members of government on the observations of the Audit Court. Unusual for a permanent committee, it is **chaired by a member of the opposition** (compare with section 3.2.2. on the practice of committee chair allocation in the Chamber). Exceptional too is that a majority of the reports the CODEXBU produced during Legislatures 1 to 3 were under the auspices of an opposition rapporteur (13 out of 22 reports). This exception is even more pronounced since the committee split from the parliaments' Accounts committee and obtained the status of a permanent committee (not a regulatory permanent committee) in 2004.[188] This conduct of committee chair allocation was chosen in order to give the financial oversight of government more credibility.[189]

The CODEXBU works mainly with the Finance minister as it checks the state budget. It is also responsible for public construction projects and the railways which underlie the Ministry for public works until 2004 and the Ministry for sustainable development since, all held by CSV ministers. Formerly an area of vast intransparency and inaccuracy, parliamentary control in this area became systematic and public spending traceable and comprehensible. If public building project cost 105% of the sum initially indicated, government had to bring in a new bill. All construction projects are examined by the

[188] It was a joint regulatory committee with the Chamber's Accounts committee from 2004/5 to 2005/6 but split again in 2007/8. The Accounts committee remained a regulatory committee and the CODEXBU became a permanent committee.
[189] Member of the Chamber of Deputies, face-to-face interview, 13 June 2013.

CODEXBU as from their beginning. Formerly it often took 10 years until the Chamber received the final bill of a construction, too late to reproduce and control as the political decision-makers were not in place anymore. In this and all other areas, the CODEXBU is supplied by the Audit Court and may consult with all other ministers.[190]

Not only in the infrastructural projects, but also for the rest of the budget, parliamentary oversight was formerly not immediate. Laws approving state expenses did not always pass in the immediate year following a budget but often enough a couple of years later. The **delay between budgetary execution and a posteriori control** decreased since the beginning of the 1990s. In recent years, budgetary control was concluded the year after spending. This trend points to the reform in the budgetary procedure and the adaptation of control mechanisms, that is the installation of the CODEXBU and the Audit Court. Already the date of deposit of a budgetary control law by government has shifted as of the 2001 expenses, from 2 years after the spending to 1 year since. This is a direct effect of the reform of Article 115 RoP in 2000, where government is obliged to introduce the draft law of state expenses until 31 May so that the Audit Court could deliver its opinion until 30 September (compare with section 5.2.1, page 266ff on the formal rules of the budgetary procedure).

Hence, the **voting patterns** of laws controlling budgetary expenses reflect a more complex picture than the votes on the preliminary budget. The reason for this is the delayed moment of adoption. When money was spent under a former government, the law approving those spending would be voted for this former coalition parties. For

[190] Member of the Chamber of Deputies, face-to-face interview, 13 June 2013.

instance, the expenses of 2002 were only approved in 2005. While a CSV/DP (Juncker/Polfer) government of 1999-2004 spent the money, parliament had to approve it under a CSV/LSAP (Legislature 2) majority. The exercise was easily feasible, as the former coalition partners CSV and DP still maintained a majority of seats in the Chamber. The Greens also voted in favour of the law, LSAP and ADR abstained. Similarly, the law of 2002 approving 1997s expenses put the CSV/DP (Juncker/Polfer) governing majority of 1999-2004 in the situation to vote on the CSV/LSAP (Juncker/Poos II) 1995-9 government's spending. Other budgetary control laws passed years after the spending under the same coalition government – CSV-LSAP. Such is the case for the expenses of 1991 to 1994 and 2004 to 2010 (Table 25).

*Table 25: Votes, timing of adoption and majorities on budgetary control laws, 1999-2011*

| *year dossier* | *title* | + | - | ~ | *delay years*[1] | *diff. gov.*[2] |
|---|---|---|---|---|---|---|
| *2011 6440* | *Loi du 21 décembre 2012 portant règlement du compte général de l'exercice 2011* | *45* | *14* | *0* | *1* | |
| *2010 6293* | *Loi du 16 décembre 2011 portant règlement du compte général de l'exercice 2010* | *59* | *1* | *0* | *1* | |
| *2009 6153* | *Loi du 16 décembre 2010 portant règlement du compte général de l'exercice 2009* | *55* | *0* | *1* | *1* | |
| *2008 6058* | *Loi du 18 décembre 2009 portant règlement du compte général de l'exercice 2008* | *39* | *0* | *21* | *1* | |
| *2007 5891* | *Loi du 18 décembre 2009 portant règlement du compte général de l'exercice 2007* | *39* | *0* | *21* | *2* | |
| *2006 5740* | *Loi du 18 décembre 2009 portant règlement du compte général de l'exercice 2006* | *39* | *0* | *21* | *3* | |
| *2005 5591* | *Loi du 18 décembre 2009 portant règlement du compte général de l'exercice 2005* | *39* | *0* | *21* | *4* | |
| *2004 5488* | *Loi du 18 décembre 2006 portant règlement du compte général de l'exercice 2004* | *53* | *0* | *4* | *2* | |
| *2003 5350* | *Loi du 23 décembre 2005 portant règlement du compte général de l'exercice 2003* | *42* | *0* | *18* | *2* | *x* |
| *2002 5171* | *Loi du 25 avril 2005 portant règlement du compte général de l'exercice 2002* | *41* | *0* | *19* | *3* | *x* |
| *2001 4965* | *Loi du 21 décembre 2004 portant règlement du compte général de l'exercice 2001* | *41* | *0* | *19* | *3* | *x* |
| *2000 4938* | *Loi du 21 décembre 2004 portant règlement du compte général de l'exercice 2000* | *34* | *0* | *25* | *4* | *x* |
| *1999 4857* | *Loi du 16 avril 2003 portant règlement des comptes généraux de l'exercice 1999* | *45* | *0* | *12* | *4* | *x* |

[1] Delay between state spending and parliamentary approval of spending in years
[2] x = Governing coalition responsible for spending differs from governing coalition approving the spending

### 5.2.3. Budgetary control and the EU

Developments at supranational level have motivated **structural adaptation** at domestic level and in the area of budgetary control. The best example is the creation of an Audit Court. As of 2000, the Chamber could rely on the expertise of this newly created institution, which hence replaced the Chamber of Auditors. This institutional renewal came into being to comply with the demands at European level and the Council of Europe's recommendations more particularly. Most "*European higher institutions of control"* (Cour des Comptes, 2010, p. 3) had undergone profound changes regarding

their functioning and attributions. A modern and independent Audit Court was thus seen to be necessary.

In **procedural terms**, the Luxembourgish state budget has witnessed influence from EU level. It respects the European System of Integrated Economic Accounts (ESA95) which guarantees the comparability of budgetary figures in order to evaluate convergence in the EU (Carneiro, 2012, p. 31f). The Maastricht Treaty (art. 104 TEC), which has introduced limits on national budget deficits with an excessive deficit procedure, necessitated a standardisation of formerly difficult to compare state budgets. The ESA95 entered into force in February 2000 and is legally binding (European Communities, 2002, p. 3). Part of the standardisation is the annual budget procedure, however, the Chamber already followed a yearly budgetary rhythm at that time (art. 100 and 104 C, compare with section 5.2.1.). Parliament decides on a yearly basis on the budget and checks if the government has accurately spent it.

EU membership has **direct and indirect financial consequences**. In the budgetary law, such expenses may be found by the codes 35.030 and 35.041, which signify contributions to international cooperation. However, expenses related to European integration are not clearly attributed.[191] Alternatively, the European Commission publishes figures on member states' contributions and the EU's paybacks. Direct payments concern membership fees for instance. Every country contributes 1% of its GDP to the EU budget. In 2011, Luxembourg paid 293 million euro, around 100 million euro more than

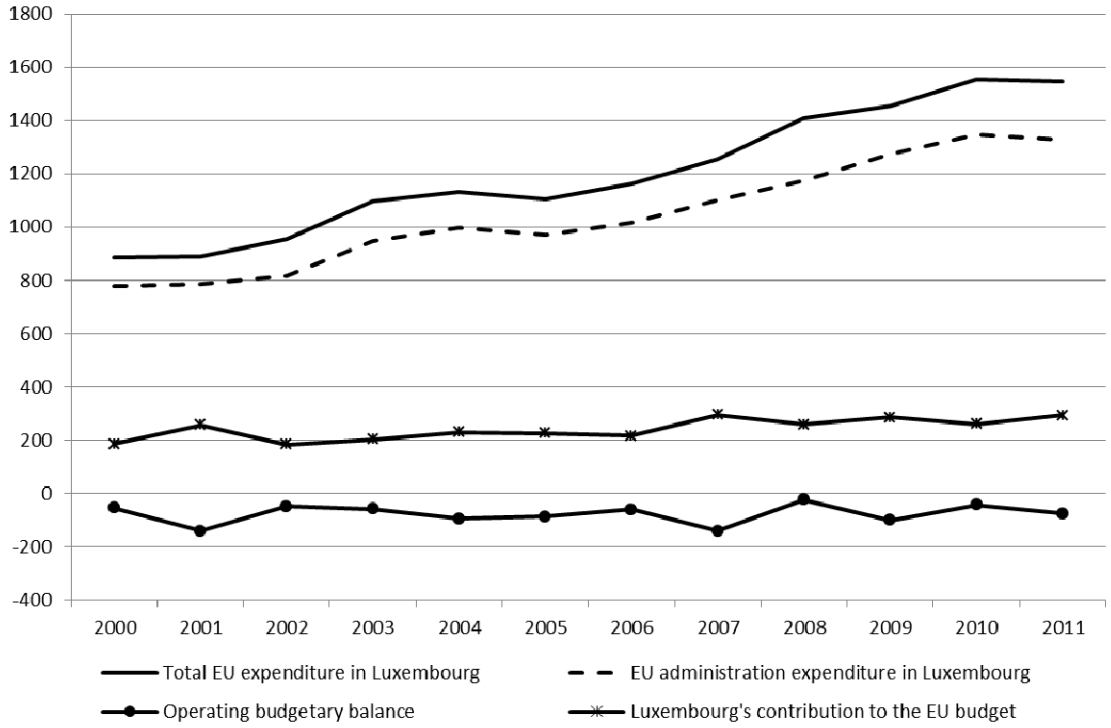
[191] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

in 2000.[192] But it also gains from the EU. In 2011, Luxembourg retrieved 1,548 million euro from the EU.[193]

The amount the EU dispenses in Luxembourg increased by around 663 million euro since 2000. On average, it spends around 1,204 million euro per year. Almost 87% of this EU spending concern administrative costs in Luxembourg. Only the remaining 13% of spending, that is around 160 million euro per year, are related to specific policies, for instance sustainable growth, cohesion policy, agriculture and rural development. Excluding EU spending regarding the seat of the EU institutions (the administrative expenses of the EU), Luxembourg is a net-payer to the EU budget. Thus, taken the EU spending on policies in Luxembourg, and deducting the country's payment to the EU, Luxembourg pays more than it gets out. Taking into account payments from and to the EU, Luxembourg pays per head a net amount of 147 euro per year into the EU budget. It contributes the second highest amount per head, just after Denmark (European Commission, 2011). The operating budgetary balance of Luxembourg in the EU is thus negative and always was so since 2011 (Figure 73).

[192] The figures are retrieved from the website of the European Commission, under "revenues": http://ec.europa.eu/budget/figures/interactive/index_en.cfm, last access: 23.11.2012.
[193] The figures are retrieved from the website of the European Commission, under "expenditures": http://ec.europa.eu/budget/figures/interactive/index_en.cfm, last access: 23.11.2012.

*Figure 73: EU expenditure in and revenue from Luxembourg, million euro, 2000-11*




Data source: European Commission

Indirect payments are related to the consequences of EU membership. Those include for instance costs for delegation journeys and the participation in (military) missions, the organisation of conferences, translation, etc. Luxembourg has for instance volunteered to send troops for several EU humanitarian aid and peace missions.[194] Those indirect costs are difficult to quantify and require a more in-depth analysis than it is possible within the framework of this thesis.

[194] Compare with the website of the Luxembourgish army: http://www.armee.lu/mission_OMP/, last access: 30 December 2013

### 5.2.4. Summary and conclusion: Budgetary control

Budgetary control in Luxembourg is formally based on constitutional and legal provisions. The Chamber is determined to have the final say with regards all public spending. Within parliament, the general principles of budgetary control (based on three grand debates on the state of the nation, during the examination of the law on state expenses and on the law to the preliminary budget) have been maintained during the period of investigation. The Luxembourgish state spending, including its overview, follows today an annual rhythm. Up to 2007, state expenses have been approved by the Chamber between two to four years after they have been executed. It thus happened that a new legislature was in place and asked to confirm past government's spending. The increased pace of budgetary control is a real improvement for budgetary oversight.

More particularly, budgetary overview in the Chamber has been reinforced with respect to two issues: Expertise has increased and infrastructure projects are more closely followed up by parliament. Firstly, parliament's **expertise in budgetary matters** has increased because a separate Committee on budgetary control (CODEXBU) came to existence in 1999. Its tasks of an a posteriori control of state expenses were formerly conducted by the Finance and Budget committee (FIBU). Such separation of functions increases budgetary oversight because more MPs devote more time on the subject matter. Furthermore, the CODEXBU is chaired by an opposition MP and a majority of its reports were carried out in opposition responsibility too. Thus, parliament-internal expertise has increased. However, also parliament-external expertise in budget matters has improved. Since 2000, parliament may draw on the know-how of an Audit Court. Most

interestingly, its creation was justified with the need to better live up to Europe-wide standards of oversight.

Secondly, since 2008, particular **provisions on infrastructure projects** were included in the Rules of Procedures of the Chamber (RoP). Hence, the responsible minister has to inform the Chamber, in case public works take more resources than expected. It is important to acknowledge that the new rules had real consequences on the transparency and accountability of construction projects, which are often related to high public spending.

As already mentioned, the supranational provisions had an influence on the creation of the Audit Court. European standards also exist with regard to budgetary procedures (the legally binding ESA95) and budget deficits (since the Maastricht Treaty). Budgetary standards and procedures are thus Europeanised and this has strengthened financial overview of public expenses.

Apart from those formal influences on structures and procedures at domestic level, the EU certainly impacts financially on the member states' budgets. While Luxembourg is a net-payer to the EU and thus contributes more money than it retrieves in terms of subsidies, it strongly benefits from the EU's spending on its seat in Luxembourg. The European Commission is more transparent regarding who pays what in the EU than the Luxembourgish budget. Adding the complexity of the budget, we may conclude that it is rather difficult to overview government's spending in EU matters.

## *5.3. Rare and severe forms of parliamentary control instruments*

To conclude this chapter on specific parliamentary control, two parliamentary control instruments remain to be discussed: Besides parliamentary questions (PQs) and budgetary control, motions (of censure) and enquiry committees are still other means for MPs to hold government accountable. Those control instruments are used more rarely and their consequences may be severe as they could afford government to resign. We outline the formal rules guiding each of those instruments in the following sections and outline the changes they have undergone during the period of investigation, that is between 1999 and 2011. For each of them, their actual use is examined, not least with regard to EU affairs.

### 5.3.1. Motions of censure and other motions

The most severe instrument at hands of MPs is a **motion of censure** which brings government or one of its members to fall. However, no such instrument is foreseen by the Constitution. The annual budget may however be considered as an annual vote of confidence (Dumont and Varone, 2006, p. 13f). Ordinary motions may fulfil the function of a motion of censure, similar to negative responses to calls for votes of confidence by government (Reimen and Krecké, 1999, p. 80ff). Since 1945, four government crises are known (for a detailed description of those dramatic incidences see Reimen and Krecké 1999, p. 82ff). None of them was however related to European integration matters. During our period of investigation, that is between 1999 and 2011, no government or minister abdicated.

Similarly, parliament has no formal right to confirm a new government. It is the Grand Duke who installs and organises government (art. 76-77 C). However, in practice, a "*support motion*" ("*motion de soutien*") has established since 1974 (Reimen and Krecké, 1999, p. 49). When the Grand Duke convokes the Chamber for its first (extraordinary) session after an election (art. 72 C), the Prime Minister informs the Chamber about the government programme. The subsequent debate closes with a formal vote on a motion which declares the approval of the Chamber, its confidence in the newly formed government and this announces the start of works.

While no trace may be found on motions of censure or to confirm government in the RoP, only few formal provisions exist concerning the introduction of **ordinary motions** too. They are yet another minority instrument and may be initiated by an individual MP. If four further MPs support the motion it is considered in the Chamber. They may take up general and specific issues in public session or regard a particular bill proposal and help factions to gain additional speaking time (art. 79 RoP 1999-2004, art. 85 RoP 2007-11). Again, just like for PQs, it is the Speaker of the Chamber who decides about their admissibility and in case he/she has doubts consults the Conference of Presidents.

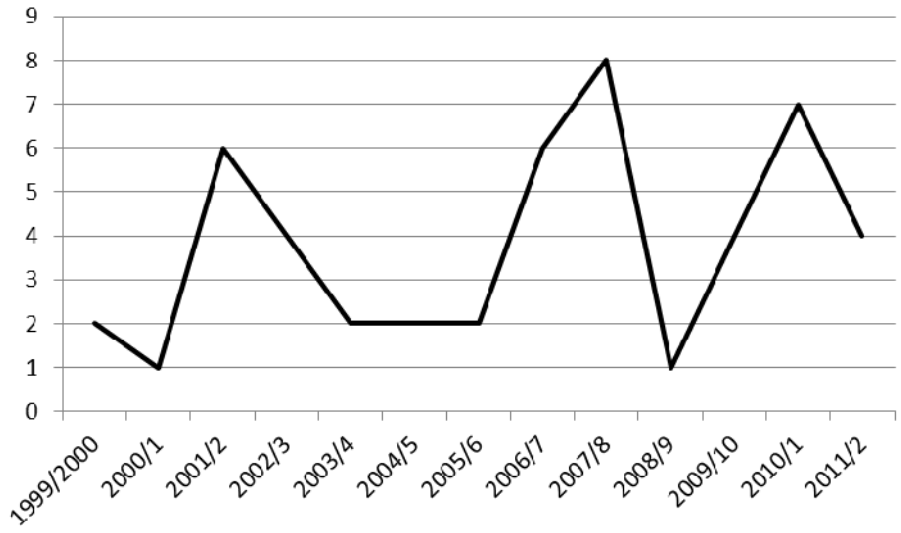
Subsequently, they are sent for the attention of government, a committee or put on the agenda of a public session (art. 80 RoP 1999-2004, art. 86 RoP 2007-11). In case more than one motion is introduced on the same topic, the Chamber (until 2000 the Speaker if the Chamber as a whole failed to do so) decides preliminary which version to take into account. The alternative motions become void (art. 81 RoP 1999-2004, art. 87 RoP 2007-

11). Thus those provisions did not change profoundly over the years and during the period under investigation.

While such ordinary motions are popular instruments introduced in public session, they find only seldom the support of a majority in the Chamber. Only up to eight motions were adopted in the parliamentary years between 1999/2000 and 2011/2 (Figure 74). None of them was concerned with EU matters. Apart from such **stand-alone motions**, the practice of the Chamber knows another type of **motions related to a specific draft law**. This division between the two types of motions does not exist in the formal rules. Motions on draft laws outnumber stand-alone motions three to four times. Again, only a very minor share of them is adopted. However, their introduction is a sign for conflict and not surprisingly they are more often introduced in laws that were amended (Phi[195]=0.178) and laws that provoke opposition in the final vote (Phi=0.281). No difference exists between laws transposing a directive and other laws when it comes to the introduction of motions (Phi=0.022).

[195] Phi stands for the Contingency coefficient which measures the association between two binary variables. It may take over maximum values from -1 to +1 and signify perfect correlations.

*Figure 74: Adopted motions, absolute numbers, 1999/2000-2011/2*




Data source: Parliamentary proceedings

### 5.3.2. Enquiry committees

The installation of an enquiry committee is another rather exceptional parliamentary control tool in Luxembourg which is used only in the most extreme cases. Between 1881 and 2002, 16 committees of this type were created. In the period between 1999 and 2011 one enquiry committee was established.[196] The right to enquire is guaranteed by Article 64 of the Constitution. Inspired by the Belgian model, its details were settled in the law of 18 April 1911, and the same provisions make part of the Chamber's Rules of Procedures (RoP 1999-2010) (Bicheler et al., 2006, p. 241). Chapter 14 of the RoP outlines all provisions regarding enquiry committees. Their competencies (as well as of the Chamber as a whole) are specified as inquisitor rights (art. 179 RoP 2007-10, art. 168 RoP 1999-2004).

[196] N° 5170 Rapport de la commission d'enquête "*transports routiers internationaux*", 11 July 2003, p. 12.

The meetings of enquiry committees are public, unless otherwise is decided (art. 180 RoP 2007-10, art. 169 RoP 1999-2004). The Chamber pays all necessary expenses for the enquiry from its budget (art. 189 RoP 2007-10, art. 178 RoP 1999-2004). An enquiry committee ends in case the Chamber is dissolved and in the end of a parliamentary year, unless the Chamber decides otherwise (art. 190 RoP 2007-10, art. 179 RoP 1999-2004).

The committee (or the Chamber as a whole) holds the same powers as a judge in criminal matters and those powers may not be delegated if not to an advisor of the High Court. A special law has to allow for house searches, the confiscation of documents and correspondences (art. 181 RoP 2007-10, art. 170 RoP 1999-2004). The convocations to the hearings of the committee have to be delivered at least two days in advance of a hearing, unless urgency is upon (art. 182 RoP 2007-10, art. 171 RoP 1999-2004). All witnesses, observers and experts to those hearings underlie the same obligations as in front of an inquisitor and in case of refusal or disregard to comply and cooperate, they underlie the same penalty (art. 185 RoP 2007-10, art. 174 RoP 1999-2004) and sanctions regarding false testimony (art. 186 RoP 2007-10, art. 175 RoP 1999-2004). All minutes stating legal infractions are transferred to the advocate general and punished according to civil law (art. 187-8 RoP 2007-10, art. 176-7 RoP 1999-2004).

The separation of legislative and judiciary powers was always of major concern in the discussions on the installation of enquiry committees. This argument of blurring state powers was often used by decision-makers not to install such. A good example of the reluctance is the "*Kralowetz affair*". A **Special committee on international road**

**transport** was founded on 26 February 2002 and chaired by the Lucien Weiler (CSV, chair), Jean-Paul Rippinger (DP, vice-chair) and François Bausch (déi gréng, vice-chair). The "*counter*" resolution of Robert Mehlen (ADR) for the introduction of an enquiry committee was at that time rejected by a large majority of 50 against 7 with one abstention.

The **aim** of this special committee was to examine the rules and practices of the attribution system of transport licenses and the criteria for authorizations since the 1980s. Its rapporteur Gusty Graas (DP) was supposed to deliver a report to the Chamber "*at the earliest possible date*".[197] The special committee was considered necessary after the "*Kralowetz affair*" came to light. The Kralowetz enterprise had among others a seat in Luxembourg. Its owner was condemned to prison because he did not respect legal provisions on European social and working standards for his mostly Eastern European lorry drivers.[198] Instead of an hourly remuneration, his drivers were paid by driven kilometre. Thus, as mentioned in chapter three on the establishment of committees, EU matters had an impact on the committee system of the Chamber.

The special committee met ten times from the end of February to the beginning of June 2002. Before the creation of the special committee, the Committee of economy, energy,

[197] N° 5170 Rapport de la commission d'enquête "*transports routiers internationaux*", July 11 2003, p. 10.
[198] The applicable rules are stated in Loi du 30 juillet 2002 concernant l'établissement de transporteur de voyageurs et de transporteur de marchandises par route et portant transposition de la directive 98/76/CE du Conseil du 1er octobre 1998 which transposes Council directive 96/26/CE of 29 April 29 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1996L0026:20070101:EN:PDF, last access : 30 December 2013.

postal services and transport devoted four meetings in February 2002 to the matter at stake and after the Greens had invoked urgency. While the European Council guaranteed the distribution of transport licenses out of the international contingent[199] and according to domestic criteria, the special committee concluded that there were actually no national criteria at place. One single high functionary of the Luxembourgish administration was in the position to decide if such authorisation was granted or not. But no concrete criteria were discovered by the special committee, and it concluded that there were signs of malfunction in the Transport Ministry.

The special committee also realised that its competences did not suffice to review certain documents from the Transport Ministry, not least, because justice authorities started to investigate the former high functionary of the administration. The respective functionary and other witnesses refused to give testimony in the special committee. This is why the committee members all signed the resolution of 16 May 2002, to finally establish the enquiry committee. The special committee was dissolved on 4 June 2002, when a resolution on its initiative was adopted.

All working material was transferred to the **enquiry committee on international road transport**. It held 23 meetings presided by Lucien Weiler (CSV, chair), Jean-Paul Rippinger (DP, vice-chair) and François Bausch (déi gréng, vice-chair). Gusty Graas (DP) again was designated rapporteur. The objective of the committee was to analyse the

[199] "*Conférence Européenne des Ministres des Transports*" (CEMT) today's International Transport Forum http://www.internationaltransportforum.org/, last access: 21 September 2013.

practices in connection to the irregularities the special committee found in the area of international road transport.

The report was discussed in plenary on 15 July 2003. The conclusions of the enquiry were that no clear guidelines existed for the administration to attribute licenses. Thus, the head of the department exerted a large power of discretion. The abuse of this power was sanctioned in a court judgment of 10 March 2003. Judiciary found the head of the transport department guilty of "*passive corruption*" as he had accepted money from enterprises which asked for authorization of their road transports.[200]

Not for the first time, the Chamber had to draw the conclusion that high administrators were difficult to control by the political responsible. Already the special committee on health of 1998 came to the same result. A minister defines administrative procedures and an intervention in individual administrative cases may risk raising suspicion of favouritism. But under the given situation, the responsible minister could have established instructions in form of a ministerial decree for instance.[201] Those conclusions were followed by two motions brought in by the Greens, aiming at preventing future cases of corruption of high functionaries. Both of those motions could not gain a sufficient number of supporters and were rejected.

As a consequence of the enquiry committee on international road transport, a law proposal was initiated by Alex Bodry (LSAP) in 2004. A revision of the provisions on

[200] N° 5170 Rapport de la commission d'enquête "*transports routiers internationaux*", 11 July 2003, p. 25.
[201] ibid.

enquiry committees in the RoP of the Chamber (based on the law of 1911) was considered necessary and, not least, because the Belgian model law was already reformed in 1996.[202] Although the initial law proposal suggested the initiation of such enquiry committee by a one-third minority, the final law did not allow such minority right. A resolution installing an enquiry committee still needs to be supported by a majority of MPs.

Most importantly however, the changes in the RoP tackled the question of interference between judiciary and legislative powers, a reform judged necessary by constitutional experts at several occasions (Bicheler et al., 2006, p. 242). The enquiry committee may thus not investigate criminal prosecutions, most importantly, if such proceedings are still on-going. An enquiry committee comes to an end if criminal prosecutions are opened on the same matter. In case an enquiry committee only touches upon aspects of criminal prosecutions, the responsible district attorney informs the committee. The committee may continue its work on aspects which are not directly related to the judicial investigations. The judiciary should cooperate and provide useful documents to the enquiry (art. 181 RoP 2011). In return, the minutes of committee meetings which may be of interest to the judiciary should be delivered to the district attorney (art. 189 RoP 2011).

Still, enquiry committees probably stay a "*sword of Damokles*"[203] rather than making common appearance. The main problem is that MPs are neither trained nor experienced in taking over judiciary functions. In the Luxembourgish case, their work led to take up

[202] N° 5170 Rapport de la commission d'enquête "*transports routiers internationaux*", 11 July 2003, p. 27.
[203] Member of the State Council, face-to-face interview, 4 October 2013.

criminal proceedings and only in very rare cases the result of their work was judged satisfactory, as an interviewee suggests.[204]

### 5.3.3. Summary and conclusion: Rare and severe forms of parliamentary control instruments

This section was concerned with rare and severe forms of parliamentary control. More particularly, the focus in this section was upon motions and enquiry committees. In the first part, **different forms of motions** were examined. It revealed that motions of censure have never been applied in Luxembourg. What is more, the respective law which should give details on the procedure is not in place and transitory provisions apply. More legal rules exist concerning other motions. Those divide in motions linked to a parliamentary dossier (motions on draft laws) and stand-alone motions. The latter do not exceed eight by parliamentary year during the period of investigation. None of those took up EU matters. Motions linked to a dossier on the other hand are somewhat more often introduced which points to an increased level of conflict. Such motions also concern laws transposing a directive but not more so than other laws.

The second part of this section investigated rules and practice concerning **Enquiry committees**. Those are one means to more closely investigate accusations on government and, what is more, check whether government follows its duty to monitor administration in a sufficient way. The Luxembourgish MPs are rather reluctant to install such enquiry committees, not least, because they are supposed to blur the separation of the judiciary

[204] Member of the State Council, face-to-face interview, 4 October 2013.

and legislative state powers. Special committees, which have shown to be cradles for permanent committees in section 3.1.2., may represent a first step towards enquiry committees too.

The corruption of the administration and the failure of government to prevent such were in the focus of the one enquiry committee established in the period under investigation. The enquiry committee on international road transport examined the "*Kralowetz affair*" which was at the heart of a domestic affair. However, it touched upon European matters, because of infractions of European social and work provisions. The committee concluded that the transport minister did neither give enough instructions to the functionary nor was able to control the service in a sufficient manner. The respective service was subsequently abolished and its responsibilities were taken up by the customs services.[205]

It is interesting in the framework of this thesis that the "*Kralowetz affair*" provoked a reform of the formal rules on enquiry committees, not least, to meet fears of blurring legislative and judicial competences. Based on a law of 1911, a law proposition was introduced in 2004 which led to the adoption of a change in the RoP of the Chamber in the same year. It aimed at clarifying the separation of judicial and legislative powers, their cooperation and the possibilities and duties of enquiry committees.

[205] N° 5170 Rapport de la commission d'enquête "*transports routiers internationaux*", 11 July 2003, p. 25.

## *5.4. Summary and conclusions: Specific control instruments*

This chapter was devoted to the investigation of specific parliamentary control instruments as second pillar of parliamentary control of government and their use during the period of investigation, that is between 1999 and 2011. The objective was to add a second dimension of control to the one outlined in chapter four on legislative scrutiny and to investigate the use of parliamentary questions (PQs), budgetary control, enquiry committees and motions for EU scrutiny. This chapter makes an important contribution to enlarge our view on the parliamentary scrutiny of EU affairs through parliamentary control instruments, which remain mostly neglected in the mainstream literature.

To get straight to the point: The Chamber provides a variety of control instruments for MPs to profile themselves in areas of their choice, although the political parties certainly filter those activities. The respective instruments are used for subjects related to European matters too, but are not used to systematically overview government in this area. The great potential of control instruments is thus not strategically used for EU scrutiny. However, a general trend to a better oversight of government is especially visible in this chapter and has partly been provoked by European standards, most notably in the area of budgetary control.

The chapter has started with an evaluation of **parliamentary questioning tools**. Those are a very popular form of control instruments. Their use has much increased over time and they remain at high levels during the period under investigation, not least because of a better staffing of parliament and factions. Five different forms of parliamentary

questions (PQs) exist in the Chamber, one of them are written questions and four types of oral PQs (Urgent questions, Questioning hours, Hours of actuality, and Extended questions), apart from interpellations. The formal rules on PQs and interpellations remained largely the same over the years, except for the introduction of Hours of actuality in 2000. Questioning hours were given more flexibility in terms of their content in the same year. At the same time, the urgency of PQs became a decision of the Speaker of the House, instead of the respective minister.

Most of the PQs introduced are **written questions** and those cover all sorts of subject matters and most prominently local issues. Three measures of EU relatedness were introduced in the analysis allowing for different breadth and depth of the investigation. The most in-depth measure reveals that around 11% of written questions in 2011 relate to EU matters, while the most superficial measure gives occasion to explore trends over time. Hence, it shows that especially in 2005/6, PQs on European issues were most prominent. At that time, the referendum on the Constitutional Treaty and the Luxembourgish Council presidency showed effect also in the PQs. The EU link of PQs subsequently dropped again and European integration remains a topic among many others for MPs. Although the available tools would allow for it, PQs are not particularly used to outbalance information asymmetry in European matters.

The second part of this chapter was concerned with the investigation of **budgetary control** which is based on constitutional and legal provisions in Luxembourg. The Chamber is the most important instance when it comes to public spending and it

improved its capacity as well as its practice during the period of investigation. The main principles of budgetary control remained in place, based on three annual debates. The pace of control has however increased and today public spending is approved by the Chamber the year following their execution. This is due to the reinforcement of parliament-internal and -external **expertise** in budgetary matters. The establishment of a Committee on budgetary control (CODEXBU) in 1999 and the introduction of an Audit Court in 2000 were at the source of this expertise building. The latter has been established to better comply with European standards. Supranational standards may thus improve the scrutiny of domestic issues. This increase in expertise together with the important 2007 reform of the Rules of Procedures of the Chamber (RoP) which afforded a better follow-up of infrastructural spending has made the budgetary procedure a major locus of parliamentary control of government.

The EU has not only had an impact in structural terms, but also with regard to budgetary procedures, including the introduction of legally binding standards (the ESA95) and limits for budget deficits introduced with the Maastricht Treaty. Altogether, these structural and procedural EU influences have contributed to the better overview of government spending. At the same time, the control of EU matters via the overview of spending remains difficult. Direct and indirect expenses for European integration are not very well visible in the budget. Such expenses relate to membership fees (direct) and delegation journeys (indirect) for instance. Those are not summed up under a specific heading, but divided over several budgetary posts. At the same time, Luxembourg benefits financially from the spending of the EU on its institutions located in the country,

that is the European Court of Justice (ECJ), the European Parliament (EP), the European Commission and some Council of the EU meetings.

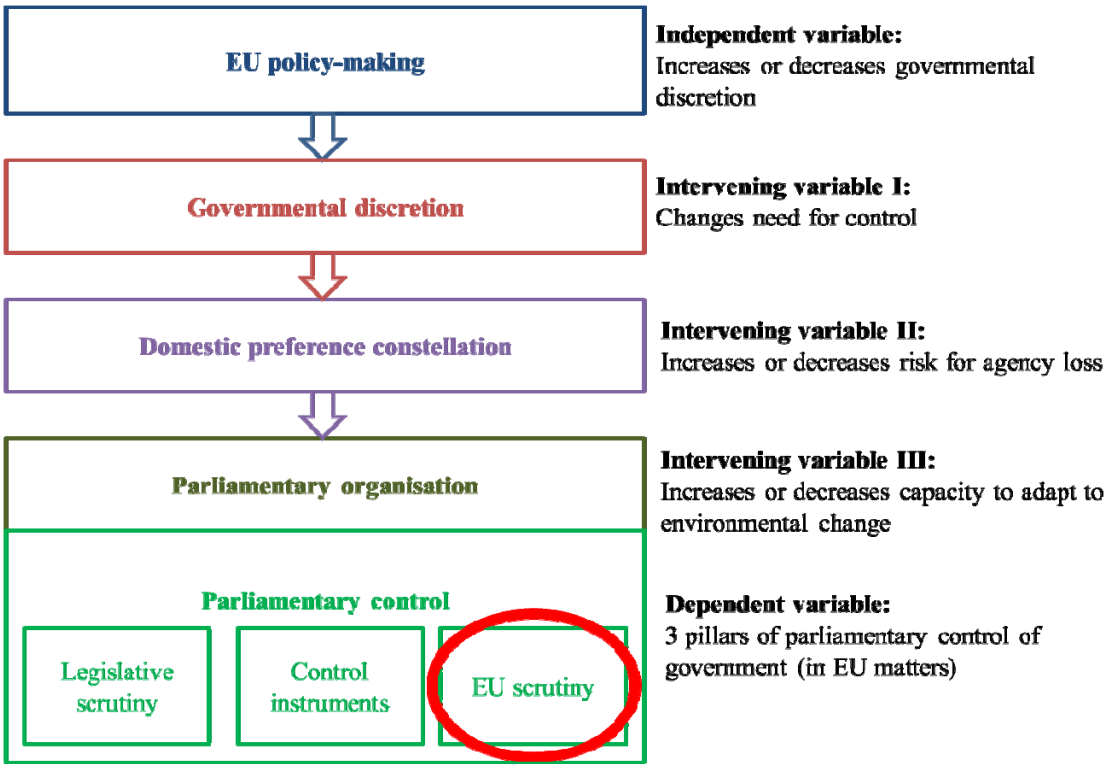
Finally, in the third section of this chapter five, two more instruments of parliamentary control have been investigated: Motions and enquiry committees. Both are rather rare in their application but may have severe consequences for government. Firstly, the two **different forms of motions** (motions on bills and stand-alone motions) showed to be adopted only occasionally. Motions related to specific draft laws are more commonly introduced, but again do not often find a sufficient support in the Chamber. They may concern laws transposing a directive but not more so than laws of other origin. Stand-alone motions never touched upon EU matters.

Secondly, **enquiry committees** are similarly rare in the Luxembourgish political landscape. During the period under investigation, one such committee was established in 2002. At the core, it dealt with the control of administrative staff by the respective minister. In the broader sense, the enquiry committee was related to the failure to comply with a European directive on social and work standards. The enquiry committee provoked a reform of the legal provisions guiding such committees. Whereas the Luxembourgish MPs were formerly reluctant to install enquiry committees because of the danger to blur the separation of judicial and legislative powers, this should be ruled out today. The law took seven years to come into existence, however, since 2011 the duties and rights of enquiry committees vis-à-vis judicial instances have been specified. Hence, it seems that nothing should stand in the way of a more frequent use of enquiry committees anymore.

# Chapter 6. EU scrutiny

This chapter is concerned with EU scrutiny in the narrow sense. It adds a third dimension of parliamentary control to legislative scrutiny, examined in chapter four and specific parliamentary control instruments in chapter five. While those two other control dimensions may be used for all different policy areas, NPs have given themselves special instruments for the overview of EU matters. EU scrutiny more particularly concerns EU decision-making. It is exerted a priori, that is before a respective EU legislative act is adopted and may be combined with an a posteriori control measure. Hence, NPs target the executive at EU and domestic level. On the one hand, government may be controlled for its behaviour during negotiations at EU level. Thus, government is asked to inform parliament and eventually receives guidelines on the positions it should take up during EU negotiations (so called "*mandates*"). On the other hand, parliaments review the European institutions' policy proposals. In this case EU scrutiny consists in subsidiarity and proportionality control (compare with Figure 75).

*Figure 75: The model of enquiry - EU scrutiny*



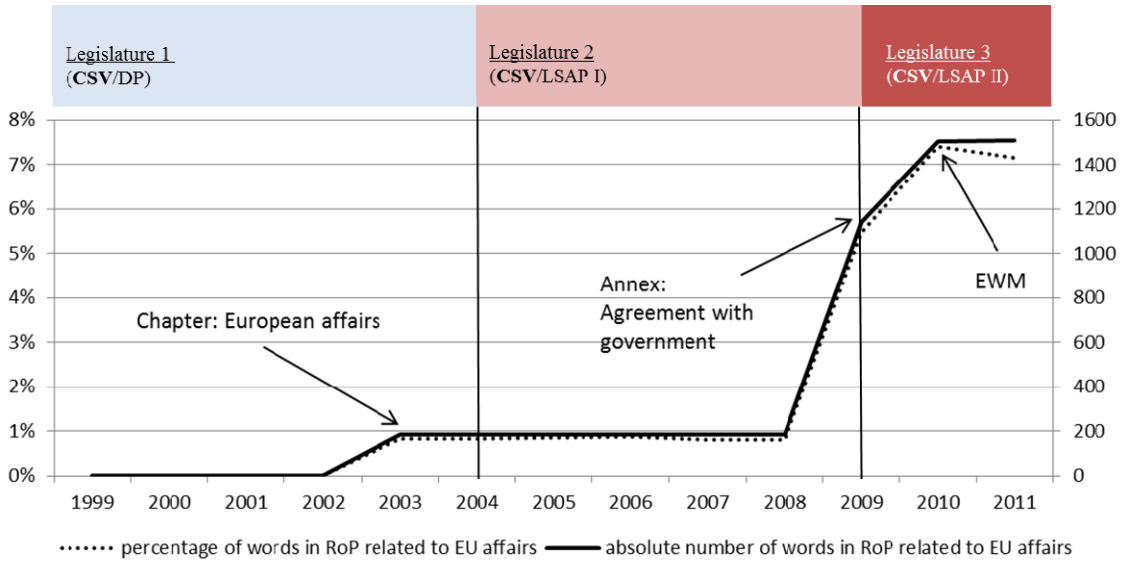

Within the following pages, we analyse whether and how EU scrutiny in the Chamber has changed between 1999 and 2011. The aim is to complete the picture of parliamentary control of government in EU matters. In the first section, the evolution of the formal rules of EU scrutiny is discussed. This includes an outline of the procedures introduced to comply with the Early Warning Mechanism (EWM). It demonstrates the reactivity of the Chamber when it comes to EU matters. In the second section, we examine the use of those possibilities given by the Rules of Procedures of the Chamber (RoP). The Chamber faces different challenges in order to meet the requirements of a thorough parliamentary control in EU matters. The third section more particularly focuses on subsidiarity and proportionality control and the input-side of the procedure. It shows how the

parliamentary committees more particularly deal with the burden of inflowing EU documents.

## *6.1. Formal rules on EU scrutiny*

In Luxembourg, the parliamentary control of EU affairs is based upon the **Rules of Procedures** of the Chamber (RoP). The Constitution is silent when it comes to EU scrutiny in the narrow sense. Every change in the RoP is autonomously decided by the Chamber, that is no external institutions, such as the State Council or the government, are consulted. Between 1999 and 2011, the RoP were revised nine times. European matters were concerned in 2003, 2009 and 2010. As a consequence, the coverage of European matters in the RoP jumped from less than 1% to over 7% in 2010. In absolute terms, this means an increase from 40 words in 1999 to more than 1500 words on European matters in 2011 (Figure 76).

*Figure 76: Relative and absolute number of words related to EU scrutiny in the RoP, 1999-2011*




The formalisation of European matters started in 2003, when a Chapter 10 on European affairs entered the RoP. Before, procedures were kept informal and we may speak of major reforms institutionalising European matters in the Luxembourgish parliament in the run-up to the Lisbon Treaty and beyond. In 2009, the Chamber was able to formalise an agreement with government on European affairs.[206] Those provisions were extended in 2010 to enshrine rules on subsidiarity control, which were enabled by the Lisbon Treaty (art. 168 (2, 4-7) RoP 2010-2).

In how far EU scrutiny in the Chamber targets government and the European institutions is outlined in the following two sections. We conclude with a short evaluation of the EU scrutiny model employed by the Chamber.

[206] Annex 2 RoP «*Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne*».

### 6.1.1. Formal rules on the EU scrutiny of government

As already mentioned, government may be the target of parliamentary EU scrutiny, apart from the European institutions. All related formal rules may be found in Annex 2, that is the agreement between parliament and government.[207] In the first place, the Chamber as a principal tries to assure sufficient reporting of its principal the government. It introduced an **information obligation** of government which is asked to keep the Chamber updated about developments at European level (art. I.2 Annex 2 RoP 2009-12). More particularly, the Chamber obliges government in its RoP to early inform about EU matters of special importance to the country so that the Chamber would be able to develop and formulate its position on the matter at stake (art. I.3 Annex 2 RoP 2009-12).

The government, disposing over a principal's expertise, may be demanded to **assist the Chamber** in the establishment of an evaluation of a European dossier with regard to the compliance in subsidiarity and proportionality matters. The committees may thus ask government to explain issues they judge particularly important. Members of government assure an adequate presence in committees (art. I.4 Annex 2 RoP 2009-12).

The Chamber or one of its committees may demand government members taking part in **Council of the EU meetings** to outline their position regarding specific policies and documents. After those meetings, the government reports back to the committee on its demand (art. I.5 Annex 2 RoP 2009-2012). Furthermore, the government is obliged to forward documents mentioned on the agenda of Council of the EU meetings to the Chamber, if they were not sent by the European institutions directly. This is to be done as

[207] ibid.

early and directly as possible and for the attention of the international relations department of the Chamber (art. I.6 Annex 2 RoP 2009-12). The provisions go even so far to ask government to facilitate and encourage contacts between European institutions and committees of the Chamber (art. I.7 Annex 2 RoP 2009-12).

Similarly, the Chamber requests to be informed about all developments with regard to **enlargement and EU Treaty revisions**. Government has to report, in case an intergovernmental conference aiming at EU Treaty revisions or enlargement is convoked. It keeps up its reporting during those negotiations (art. V.1 Annex 2 RoP 2009-12).

In a second part of this Annex 2 to the RoP, the **position taking of the Chamber** is briefly laid out. Government engages to consult the Chamber early enough for it to establish its position (art. II.2 Annex 2 RoP 2009-12). Inversely, the Chamber informs government in early manner about its eventual conclusions and position (art. II.2 Annex 2 RoP 2009-12).

Part three of Annex 2 RoP is devoted to the cooperation of parliament and government in **subsidiarity and proportionality** matters. The Chamber informs government of its activities on this matter (art. III.2 Annex 2 RoP 2009-12). At request, the government assists the Chamber in the establishment of its position (art. III.3 Annex 2 RoP 2009-12).

While the annual debate on foreign policy which was foreseen in Chapter 6 of the RoP (art. 86 RoP 1999-2000) was deleted in 2003, part IV of the Annex 2 RoP re-introduces

**reporting on European matters** in 2009. Annually, the government thus presents one report on the transposition of European directives and the application of Community law (in the first half of the year) and a second report on European politics (in the second half of the year) (art. IV.1-2 Annex 2 RoP 2009-12). The Chamber decides about the exact timing of those reports (art. IV.3 Annex 2 RoP 2009-12). It obliges itself to respect confidential matters which may be communicated by government (art. VI.1 Annex 2 RoP 2009-12).

Before Annex 2 entered the RoP in 2009, parliament made a rather **fruitless attempt to oblige government to send EU documents**. In 2003, at the introduction of Chapter 10 on European affairs, government should forward all EU documents to the Chamber (art. 156(1) RoP 2003-2007). This never really happened and only since the Barroso-initiative of 2005, the Chamber receives EU documents from the European Commission. Government was either not apt or not willing to provide the requested information. It should not be forgotten within this context that government largely consists of the most popular figures of governing parties (compare with section 2.3.1). Thus it is still ambitious for parliament – although principal – to unilaterally decide on an obligation for government. This has however worked out in other areas, for instance when it comes to improve the oversight of infrastructure spending (compare with section 5.2.1). We must therefore conclude that the political will in the Chamber was not strong enough to insist on the compliance with those provisions. Owing to the European institutions and the Barroso-initiative more particularly, the Chamber is well informed about policy initiatives at EU level. This again shows that European integration may improve domestic

scrutiny. Especially, small administrations benefit from the effort made by the European Commission most importantly.

To be sure, although the RoP were largely extended with respect to the control of government in EU matters, and particularly information obligations, the Chamber does not define the position of ministers in the Council. No mandating system was introduced. Ministers should not be too restricted regarding their possibilities in EU level negotiations. The Danish parliament's case is well known and purposefully it was not chosen as model. The Folketinget serves as warning example for how parliamentary control could limit the discretion of ministers in the Council to negotiate for the best possible outcome of the country. Interviewees who have experienced Council of the EU meetings have examples at the ready which justify why parliamentary mandating represents a disadvantage during the bargain.[208] So far, those voices have been convincing parliamentary leaders. Despite the fact that parliament should control government the emphasis is placed on collaboration and the defence of important national interests.

Through those formal provisions the Chamber has ensured to be informed if it desires so. However, automatisms are held rather vague, except for the two annual reports on transposition and European politics. No regularity was introduced to make ministers appear in committees. Thus, it is largely upon committee chairs to ensure their presence

[208] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013, and former Minister, face-to-face interview, 29 October 2013.

in case ministers do not request to keep MPs updated. The potential to be informed is available and may be used if necessary.

### 6.1.2. Formal rules on subsidiarity and proportionality control

The NPs in the EU may target the European institutions, besides their governments, and intervene at EU level still before the adoption of an EU act. Their engagement in EU decision-making may follow two formulas: Firstly, NPs may get involved in the scrutiny of the principles of subsidiarity and proportionality. The Treaty of Lisbon has introduced a special review of its draft legislative acts with the **EWM**. In case of a critical number of NPs opposing a draft legislative act, a yellow or orange card is issued. The institution initiating a draft legislative text has to review the proposal and may thereafter decide to maintain, amend or withdraw it.[209]

Secondly, NPs are invited to join a "***political dialogue***" with the European Commission, which includes a broader spectrum of acts issued by the European institutions. In case they find that the EU oversteps the competencies conferred to it by the Treaties, they may directly address the European Commission and intervene in the decision-making process. Whereas the political dialogue is based on the Barroso-initiative of 2005, it is not formalised in the Treaties. It has benefitted the Chamber as it has allowed NPs to access EU documents and inform the European Commission about their opinion, independently of government.[210]

[209] Art. 6 and 7 Protocol (No 2) on the application of the principles of subsidiarity and proportionality.
[210] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.

The Luxembourgish parliament's provisions on EU scrutiny were extended to enable the application of rules on the EWM in 2010 (art. 168 (2, 4-7) RoP 2010-1), including the submission of political opinions and the possibility of impeachment at the ECJ on grounds of subsidiarity and proportionality. The new provisions were unanimously adopted.[211] Remarkably, even the radical Left recognized that "*The Treaty of Lisbon also has good points. One of them is the upgrading of national parliaments*".[212]

The **process** is the same for EU documents subject to the subsidiarity and proportionality clauses (legislative documents) and documents which fall under the political dialogue with the European Commission (both, legislative and non-legislative documents) except that the delays do not apply in the political dialogue (art. 169(7) RoP 2012, art. 168(7) RoP 2010-1). They originated in the Chamber's "***Europe strategy***"[213] which was initiated in March 2004 and decided by the end of 2005.[214] This strategy was elaborated by the Bureau, which consists of the Speaker, Secretary General and representatives of the three main parties.[215] The Europe strategy of the Chamber was twofold. First, the Chamber made efforts to better communicate Europe to its citizens via its TV channel and website, among others.[216] Second and more important for this study, it included a

[211] Discussion and vote on bill proposal 6143, Compte rendu de la séance 44, 14.7.2010.
[212] Own translation of the Luxembourg original: "*Am Vertrag vu Lissabon, do gëtt et jo tatsächlech och positiv Punkten. Ee vun deenen ass déi gewëssen Opwäertung vun den nationale Parlamenter.*" André Hoffmann, Compte rendu de la séance 44, 14.7.2010.
[213] "*La stratégie européenne de la Chambre des Députés"*, Chambre des Députés, 2006.
[214] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[215] The Christian Conservative People's party (CSV), the Socialists (LSAP) and the Liberals (DP) (Schroen's "*trigonal coalition cartel*" (1986, 61)).
[216] The initiative also improved transparency in parliament, although committees still meet behind closed doors. Since 2010, summaries of those meetings are however published on the website of parliament. Plenary meetings are broadcast on TV and web streamed. All documents related to bills can be found in the online database of the Chamber.

reform of the EU scrutiny procedure and an active engagement in the screening of EU documents.

Thus, the Chamber's Europe unit ("*Cellule Européenne*") of the "*International relations and Protocol*" department bases its **evaluation of legislative and non-legislative EU documents** on the texts sent by the European Commission as well as on certain documents stemming from the Council, that is agendas and draft Council initiatives (art. 169 RoP 2012, art. 168 RoP 2010-1). Before the Barroso-initiative installed a direct flow of documents from the European Commission to the NP, the Chamber rather sporadically obtained documents from government, even after 2003, when the Article 156(1) RoP (2003, art. 168 RoP 2007) introduced an information policy "*in due time*" (compare with section 6.1.1).

The evaluation of EU documents, today delivered by the European Commission, the EP or the Council (art. 2 Protocol 1 TEU), results in a **weekly classification** of A (do not have to be followed up) and B (have to be followed up) EU policy documents, depending on whether Luxembourgish interests are at stake. Although the nomination is similar to the one in the Council of the EU (where the matters at stake are divided into uncontroversial A- and dividing B-points), the Chamber establishes its own ranking of importance. Thus, when we subsequently mention A- or B-documents within this study, we refer to the Chamber's classification and not the one of the Council.

Apart from this classification, the Europe unit also proposes a relevant sectoral committee[217] to take care of the follow-up of B-documents. The European affairs committee (EAC) works as a **formal coordinator of European matters** in the Chamber. It checks the selection of important B-documents provided by the Europe unit, re-evaluates and eventually modifies this list. On this basis, the Speaker of the House attributes the important B-documents, which need to be followed up, to the respective sectoral committees (art. 169(4) RoP 2012, art. 168(4) RoP 2010-11). Formerly, the Conference of Presidents held responsible for the dissemination of EU documents to committees (art. 156(1) RoP 2003, art. 168(1) RoP 2007, art. 168(2) RoP 2009).

This attribution of documents may again be re-evaluated by the **sectoral committees** in case they find that a document would be better dealt with in another committee. Every sectoral committee may decide by simple majority and within four weeks after the reception of the document, whether it initiates a reasoned opinion which concludes a breach of the principle of subsidiarity. Similarly, each political faction (as well as technical group) within parliament may draft a reasoned opinion and invite a respective committee to take it over (art. 169(5) RoP 2012, art. 168(5) RoP 2010-1).

Reasoned opinions as well as contributions to the political dialogue are issued in form of a **resolution** which addresses the European Commission (instead of the Chamber, like ordinary resolutions). Committees do not have the right to give binding resolutions on EU

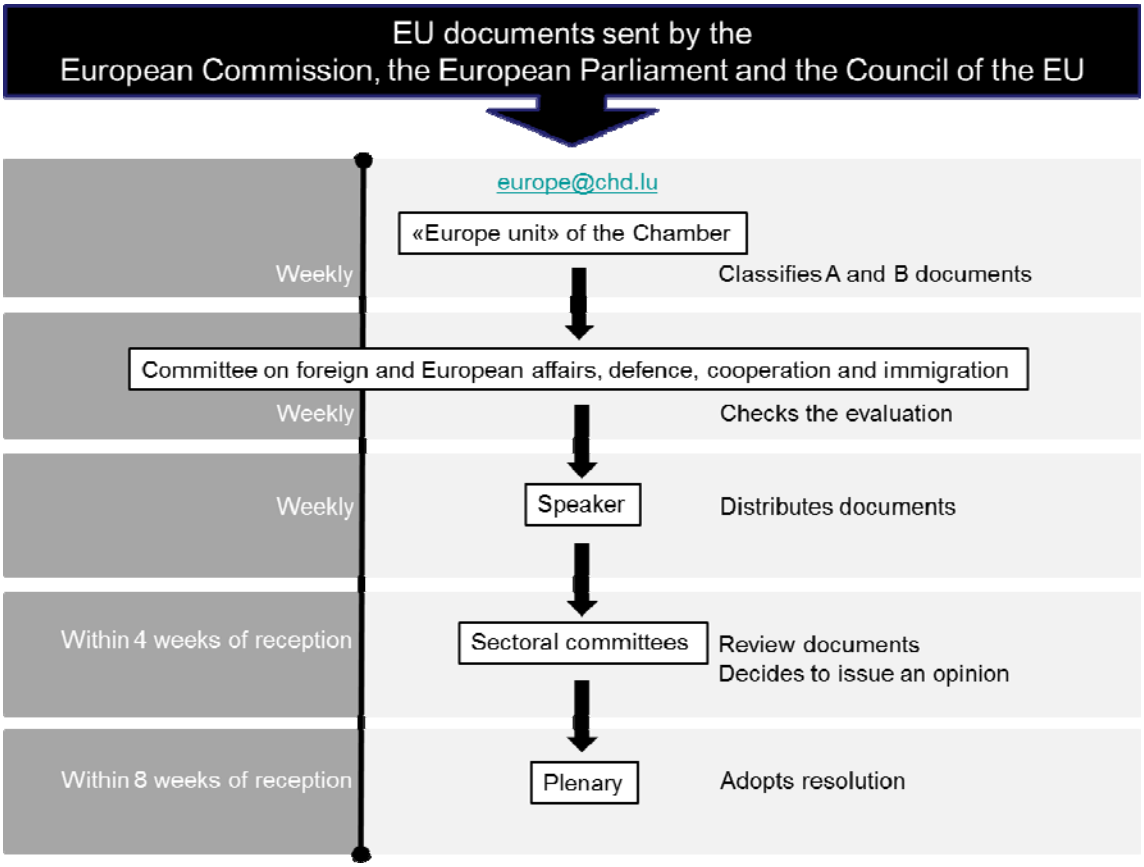
[217] Sectoral committees are responsible for a particular policy area. This wording has established in the literature on EU scrutiny in order to cover different committee functions for comparative reasons. In Luxembourg, the legislative permanent committees are mainly concerned, but also their sub- and special committees (compare with section 3.1).

issues in the name of the whole parliament. Instead, a resolution has to pass vote in **plenary**, although it is not necessarily debated (the Conference of Presidents may decide otherwise). If a breach of the subsidiarity principle was concluded, the draft resolution is then put on the agenda of a public session. Parliament adopts a resolution within the eight weeks-time limit given by art. 6 of Protocol 2,[218] with a simple majority of its members and usually without debate in plenary, unless other is decided. In case no plenary session is foreseen, resolutions are adopted by the Conference of Presidents (art. 169(5) RoP 2012, art. 168(5) RoP 2010-1) (Figure 77).

If a resolution stating a breach of the subsidiarity principle is not considered appropriately by the European Commission, the Chamber may go before the **European Court of Justice** (ECJ). To this end it adopts a respective motion in plenary session by a simple majority of MPs. If no plenary session is foreseen, the Conference of Presidents takes the decision (art. 169(6) RoP 2012, art. 168(6) RoP 2010-1).

[218] Art. 6, Protocol (No 2) states that "*Any national Parliament or any chamber of a national Parliament may, within eight weeks from the date of transmission of a draft legislative act, in the official languages of the Union, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity.*".

*Figure 77: Flow of EU documents in the Chamber and time limits for subsidiarity and proportionality control*




The Chamber regards NPs being the major source of legitimacy in the EU[219] and consequently sees itself as "*intermediary between the European Union and its citizens*".[220] An involvement in the EU policy-making process was thus welcomed as a "*good thing, not least in times of crisis when many rights shift to the hands of governments"*.[221] European integration does however not go far enough for many of the Luxembourgish MPs and some of them fear that the implication of NPs in European

[219] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[220] "*La Chambre et l'Union européenne… Un intermédiaire entre l'UE et ses citoyen(ne)s.*", www.chd.lu, "*La Chambre et l'UE*", last access: 30 December 2013.
[221] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

decision-making may block EU initiatives. Rather than the destructive role they gained with the EWM, some of the MPs would have preferred a right for NPs to issue EU legislative initiatives.[222]

Nonetheless, the architecture of EU scrutiny in the Chamber is a creation of **senior majority MPs** rather than the opposition MPs. Some key personalities within parliament, none less than the Speaker and the chair of the EAC, were very active in promoting European integration on the agenda of the Chamber. Opposition MPs just as most of the majority MPs were less interested to get involved in the decision-making process of the procedure.[223] Not surprisingly thus, the new possibilities provided by the EWM and the political dialogue are majority dependent. Single MPs or a small group of them are not able to question EU policy proposals. Resolutions on subsidiarity or proportionality grounds, as well as resolutions issued in the framework of the political dialogue require a majority vote.

The procedures were designed by decision-makers who were well aware of the organisational structure of EU affairs in other NPs, particularly in the famous Finnish and Danish assemblies.[224] However, **no specific model was followed** in practice and procedures were adapted to the Luxembourgish situation. Alternatively, it was discussed if a separate new committee would be created for "*Europe work*" more generally and the treatment of EU documents more particularly. Such a European affairs committee could hold larger powers, for instance, when it comes to instruct and attest enforceable

[222] Member of the Chamber of Deputies, face-to-face interview, 10 December 2012.
[223] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.
[224] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.

mandates to government for EU level negotiations. A mandating of government was however not aspired (compare with section 6.1.1). The Chamber was considered too small for such centralised structure in terms of the number of MPs and its administrative capacity. Instead, all MPs should be involved in EU matters, not least, because there are only few. In the centralised model of a separate committee, much additional staff would have been needed which were experts in specific policy fields.[225]

Hence, all committees evaluate documents sent to them, not least, because they are experts in their field. At the same time, no formal obligation may be derived for the sectoral committees. The RoP were extended to increase their possibilities while their duties remain self-chosen.

### 6.1.3. Summary and conclusions: Formal rules on EU scrutiny

The RoP underwent major reforms with regard to EU matters in the period under investigation, that is between 1999 and 2011. Most importantly, the Chamber introduced extensive information obligation for its agent, the government. Since 2009, the government is requested to present two reports per year related to European matters, one on the transposition of European directives and one on European politics. Also, government has to inform the Chamber in case of an envisaged enlargement or Treaty revision.

[225] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 23 September 2013.

The formal rules were furthermore extended regarding the new provisions foreseen in the Constitutional Treaty and later introduced by the Lisbon Treaty, which established a direct link between the Chamber and EU policy-making. Hence, government is obliged to assist parliament in the establishment of a reasoned opinion or political opinion in the framework of Protocol (No 2) of the Lisbon Treaty. The Chamber on the other hand informs government about its position in subsidiarity and proportionality matters.

The RoP were extended to enshrine rules on the Early Warning Mechanism in 2010. Those changes must be seen as **major reforms institutionalising European matters** in the Luxembourgish parliament in the run-up to the Lisbon Treaty and beyond. Much effort and some resources have been attributed to this endeavour to succeed. This proves the **reactivity** of parliament with regard to changes introduced at European level. The flow of EU documents was adapted to the Chamber's specific situation, which is most importantly defined by its limited size. The informal procedures have been taken up, as they were decided within the Chamber's Europe strategy. Thus, we may speak of a continuation and follow-up of a once-taken decision. Rather than incremental, this proceeding may be described as informal testing and upon success formalisation of new rules.

The Luxembourgish EU scrutiny model remains based on the screening of EU documents (document-based); no formal mandating of government has been introduced, not least, because of the **refusal of government to accept a limitation of its discretion**. The first attempt to formalise European matters in the Chamber was already made in 2003, when a

Chapter 10 on European affairs entered the RoP. The Chamber wanted to oblige government to keep it better informed by sending EU documents to parliament. Government however largely ignored this request. Only in 2009, the Chamber enforced its political will and fixed an agreement with government on European affairs. By then, the Barroso-initiative of 2005 guaranteed the direct transmission of EU documents to NPs. Government and parliament decided to better cooperate in EU matters and inform each other on their initiatives and positions.

Senior majority MPs were the driving force behind the new procedures in the Chamber. They aimed at involving all MPs in EU matters. Thus, while the Chamber's European affairs committee (EAC) coordinates the distribution of EU documents, it remains within the discretion of the sectoral committees – and most importantly their chairs – to decide whether and to what extent they consider EU matters in their work.

Summing up, the Lisbon Treaty did not introduce legal obligations on NPs. Instead, it offers a new range of new opportunities for NPs at EU level.

## *6.2. EU scrutiny in practice: The output side*

The formal rules have been adapted to exhaust all possibilities which opened up at European level. The question remains to be answered whether this new offer of activities was taken up by Luxembourgish MPs more generally and the committees more particularly, as they are the main locus of parliamentary control of government. This section aims at an evaluation of both, the practice of EU scrutiny of government and the

European institutions. The presence of government representative in sectoral committees serves as one indicator to estimate the control of government in EU matters. This data is however difficult to access and we thus are only able to examine the presence of government and its administration in the EAC. We draw on interviews with MPs and clerks of the Chamber to complete the picture.

Regarding the control of European institutions, we investigate qualitative and quantitative indicators based on three sources: Firstly, two types of annual reports from the European Commission are examined. The reports "*on subsidiarity and proportionality"*, as well as the reports "*on relations between the European Commission and national parliaments*" give a good overview of parliamentary activity related to the Early Warning Mechanism (EWM) as well as the political dialogue. Secondly, parliament-internal reports "*on the protocol about the application of the subsidiarity and proportionality principles by the Chamber of Deputies*"[226], which were issued for the 2010/1 and 2011/2 sessions, give a good insight in the challenges the Chamber faces with those new procedures. Thirdly, interviews with staff and MPs feed in additional detail.

### 6.2.1. Control of the government in EU level negotiations

Members of government and their staff seem to generally fulfil their duty and they **regularly appear in committees and the plenary**, if the Chamber requests it.[227] The government informs the Chamber about important policy initiatives at European level.

[226] "*Rapport sur l'application des dispositions relatives aux protocoles 1 et 2 du Traité de Lisbonne par la Chambre des Députés*"
[227] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.

Interviewees note that there is a readiness to report before or after Council meetings, when the Chamber or its committees demand so. On such occasions, ministers give general evaluations of the situation and the standing of the Luxembourgish position. Often, they provide the agendas of the Council meetings. However, committees do not always take up the offer and the time to discuss Council negotiations with the minister. No systematic report about meetings of working groups or the Committee of Permanent Representatives (COREPER) is foreseen, but a minister updates about developments when invited to the Chamber. The person taking part in the meetings at European level usually accompanies the responsible minister.[228]

Notwithstanding, government informs the Chamber if an **intergovernmental conference** is scheduled intending to negotiate Treaty revision or the accession of a country to the EU. It transmits its position although it is difficult to say whether this was at the earliest possible date and furthermore informs and consults the Chamber during the negotiations.

No specific formal rules are foreseen concerning the so-called "***passerelle clause***". This provision allows the European Council to decide that decisions in specific policy areas would require a qualified majority rather than a unanimous vote in the Council of the EU. Since the Lisbon Treaty entered into force, a passerelle clause may also enable a switch from a special legislative procedure to the ordinary legislative procedure. This means that the European Parliament (EP) gains the right to be co-legislator and stand on equal footing with the Council. Thus, the application of a passerelle clause means a shift to supranational decision-making in areas where intergovernmental decision-making was

[228] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012.

made the rule. Individual member states in the Council and/or the Council as a whole lose weight in decision-making in this case. Answering a PQ introduced by an opposition party, the government stated that the application of article 42 of the Treaty on European Union (TEU) would be subject to the approval by the Chamber.[229] And the Chamber was consulted at the occasion of "*A Citizens' Agenda – Delivering Results for Europe*" (COM(2006)211 fin).[230]

One indicator to better evaluate in how far information obligations were taken up by the government is the **presence of ministers in committees**. Such quantitative evaluation of the presence of government in parliament is however difficult because the Chamber's committee meetings are non-public. Minutes on those meetings have been published in recent years only. Upon special request we gained access to the summaries of meetings of the EAC. To this end, the committee chair had to approve as well as the General Secretary, and a clerk of the Chamber had to find all relevant documents in the archive. Seen the time and effort to gain access, we therefore decided to concentrate on a few years only. Thus, all meetings of the EU held in the years 2001, 2006 and 2011 were investigated. From chapter three (section 3.3.1), it is already known that the number of committee meetings increases over the years and above all, the number of EAC meetings. In 2001, 19 meetings were convened by the EAC, in 2006 there were 50 and in 2011, we found 65 minutes of meetings.

[229] Réponse à la question parlementaire N° 1326 du 5 octobre 2006 de Monsieur le Député Jacques-Yves Henckes.
[230] Cf. Annexe to the 6th Bi-annual report of COSAC: National Parliaments' replies to the questionnaire, November 2006, p. 131.

Interestingly, the presence of ministers in terms of the attended share of total meetings was the highest in 2001. In 14 out of 19 EAC meetings, a minister was present. In 13 out of the 19, ministerial staff attended the meeting. In total, only two out of the 19 meetings were non-attendant by government representatives. In 2006, ministers covered 23 out of 50 meetings of the EAC. Ministerial staff came to 30 of those meetings and in total, the EAC held thus 17 meetings "*alone*", without the presence of ministers or their staff. In 2011, ministers attended 33 and their staff 29 out of the 58 committee meetings. Altogether, the EAC held 16 meetings without government representative. The share of EAC meetings in government presence has fallen to a lower level over the years from almost 90% to around 70% of meetings (Table 26).

*Table 26: Presence of government representatives (ministers and staff) in meetings of the European affairs committee, 2001-2006-2011*

| | *number of meetings* | *minister present* | *share of ministerial presence* | *official present* | *executive presence* | *share of executive presence* |
|---|---|---|---|---|---|---|
| *2001* | *19* | *14* | *73,7%* | *13* | *17* | *89.5%* |
| *2006* | *50* | *23* | *46,0%* | *30* | *33* | *66.0%* |
| *2011* | *58* | *33* | *56,9%* | *29* | *42* | *72.4%* |

Data source: Parliamentary proceedings

This result is certainly not to be generalised over other committees. The EAC has impressively increased the frequency of its meetings between 1999 and 2011 (compare with section 3.3.1). Ministers and their staff have still other occupation than to attend committee meetings. The sheer amount of sittings provides certainly one explanation for this diminishing share of executive presence. In absolute numbers, ministers and their

staff are more present in the EAC in 2011 than in the beginning of the period under investigation.

Governmental presence in committees is however not determined by the frequency of meetings alone. Interviews reveal that the **chairs of the committees and their relationship to ministers** are a major factor for ministerial (and executive) presence. Generally speaking, many ministers seem to be very ready to take part in those meetings.[231] However, at occasions, and even when ministers and committee chairs belong to the same party, personal aversions may prevent from a close relationship between the two. In this case, a minister would not attend committee meetings, nor would he/she be requested to do so. Some chairs are less keen on ministers taking part in "*their*" committee meetings. Although the minister was willing and requested to attend committee meetings, his/her demand may be rejected by the chair of the committee.[232] On the other hand, some ministers have other priorities, and never join committee deliberations. They argue that parliamentary committees do not dispose over enough expertise to profoundly discuss matters at stake[233] and find it a waste of time to invest into a "*pedagogical*" exercise.[234] This may appear as neglect to the committee and parliament as a whole, and is not well perceived.[235]

There is evidence that **ministerial ignorance of parliament** decreased over the years. But the matter at stake is pivotal for the ministerial attendance of committee meetings. A

[231] Member of the Chamber of Deputies, face-to-face interview, 13 June 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013. Both are former ministers.
[232] Member of the Chamber of Deputies, face-to-face interview, 20 June 2013.
[233] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[234] Former Minister, face-to-face interview, 29 October 2013.
[235] Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012.

minister also comes less often to a committee, if his/her or her policy area is mostly regulated by government decree instead of laws (compare with section 3.3.1 concerning the legislative burden of committees). Such is the case for instance for the Agriculture committee. Most regulation in this area comes from the European level and in form of regulations, which do not require transposition. Laws are the exception.[236] Hence, it is a question of diplomacy and working routine to find the right amount of presence of government representatives in committees. The discretion of committee chairs is thus large to exert control in EU matters or not.

In any case, government presence in committees is a **double-edged sword**. It is certainly so that ministers are held accountable in committee meetings. They are questioned by MPs about how meetings went at EU level. The privacy of committee meetings allows for a rather outspoken atmosphere. However, ministers may at the same time try to take influence in the committee's internal bargaining and pose a threat to the independence of decision-making. Being expert, it may be possible for them to steer discussions in their preferred directions.

The relationship to government is intended to be **re-assessed in the next parliamentary term**. Attempts to introduce stronger elements of a mandating system were not set into practice so far. The cooperation with government as a provider for expertise could be improved. Some ministers remain reluctant to give information – knowledge is power and parliament depends on their expertise.[237] Another reason for their hesitation may be that

[236] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.
[237] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

giving a detailed account of their negotiation positions in EU level talks in parliament comes close to publish strategic information on their room to negotiate.[238] Also, their "*notes d'impact*" on EU documents remain non-accessible for the Chamber. Those notes of impact are established by ministerial officials who take part in EU level negotiations. The Foreign ministry collects them from the other ministries. Their quality and substantiality differs, not least because of the rather small administrative capacity of the country. Direct personal contact between MPs and ministries may partly substitute for this intransparency.[239] However, an opening up of the archives of impact notes could give the Chamber the necessary insight in EU level activities of the individual ministers and their staff.

### 6.2.2. Output and evaluation of the screening of EU documents

The Chamber is quite active when it comes to applying the new provisions of the Early Warning Mechanism (EWM) and the political dialogue with the European Commission. In 2005 still, the Luxembourgish parliament reported to not yet scrutinize EU legislation for its compliance with the principles of subsidiarity and proportionality (COSAC Secretariat, 2006a, p. 16). The subsidiarity and proportionality checks organised by the COSAC in 2005 and 2006 served as testing field to live up to the deadlines and rules of the forthcoming provisions known from the EU Constitutional Treaty. Notably, the first subsidiarity check was initiated during the Luxembourgish Council of the EU Presidency

[238] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013, and former Minister, face-to-face interview, 29 October 2013.
[239] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

in the first half of 2005 (COSAC Secretariat, 2006b). Until 2011, the Chamber participated in seven out of the eight pre-Lisbon subsidiarity checks.[240]

In 2011, the Commission reports that "*...the two Polish Chambers (Sejm and Senate) and the Luxembourg Parliament continue to be particularly active in terms of issuing reasoned opinions with regard to compliance with the subsidiarity principle*" (European Commission, 2011, p. 3). During the 2010/1 parliamentary year, the Chamber has delivered five reasoned opinions and initiated nine political dialogues with the European Commission. In 2011-2, eight reasoned opinions and eleven opinions falling under the political dialogue were sent to the Commission.[241] Until the end of the 2011/2 parliamentary year, it has submitted a total of 27 resolutions in the framework of the political dialogue and 21 reasoned opinions based on Protocol 2 of the Lisbon Treaty for the attention of the Commission.

The **Conference of committee chairs**[242] watches over the new procedures. It has no formal anchor in the RoP but serves as an informal go-together of permanent committee chairs and the Speaker of parliament. This forum discusses the work of parliament in European matters but meets only on rare occasions. The purpose is to increase the expertise of all MPs in European matters. Committee chairs are urged to put "*Europe work*" on their committee's agenda, most importantly the screening of EU documents in subsidiarity and proportionality matters. However, the work of the individual committees

[240] The Chamber did not take part in the last pre-Lisbon subsidiarity check on the Commission proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings (COM(2009) 338).
[241] Cf. website of the Chamber, La Chambre et l'UE: www.chd.lu, last access: 10 September 2012.
[242] "*Conférence des Présidents des Commissions permanentes*".

is generally not judged by others.[243] The overload of some committees with lawmaking makes it difficult for some of them, most importantly the Justice committee (JURI) and the Finance and Budget committee (FIBU).

Also the **EAC** has been concerned with the functioning of the new screening procedures, on one or two occasions. However, no profound changes have been introduced. Instead, comments were taken note of, and details were adapted.[244] A general evaluation of the procedures was envisaged by the end of the 2009-14 term but was prevented by the early elections in October 2013 and thus shifted to the beginning of a new legislature. Judged by its output, the Europe strategy of the Chamber and its newly introduced system of EU document screening has been very effective.[245] However, the inclusion of all MPs in the scrutiny process has improved[246] but not been entirely successful. No matter which party they are affiliated to, some of the MPs are prioritising EU matters, while for others local issues prevail.[247]

Furthermore, **internal parliamentary reports** are regularly created giving the state of affairs concerning subsidiarity and proportionality checks and the evaluation of EU documents. The administrator concerned with the examination of EU documents therein identified modified proposals and delegated acts posing problems for the Chamber's EU scrutiny. **Modified acts** are introduced by the Commission, in order to escape a stalemate among the Council and the EP, co-legislators at EU level. It is not clear, whether those

[243] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[244] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.
[245] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[246] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.
[247] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

modified acts fall under the provisions of Protocol 2 on the application of the principles of subsidiarity and proportionality of the Lisbon Treaty. The Commission seems to decide from case to case if it transmits those modified acts to NP. The Chamber service notes that this practice is questionable with regard to judicial security and not least because modified acts generally diverge largely from the initial proposal, they claim.

**Delegated acts** on the other side clearly do not fall in the area of legislative acts and may therefore not directly be issued to subsidiarity and proportionality checks. If such delegation is found to violate subsidiarity or proportionality before respective delegated acts are created, the possibility of NP to prevent from their introduction by means of Protocol 2 exists, as pointed out by the Chamber service.

From the **administrative point of view,** the procedure works now in satisfying manner.[248] EU affairs are part of the Chamber's International relations and Protocol department. This department differs from other services, as it is concerned with a special mission on the one hand and the backup of a committee on the other hand. Thus it supports all parliament external affairs that are relations with international bodies, delegations, ingoing and outgoing visits and the necessary protocol service, as well as EU affairs. The latter includes the distribution of information on European dossiers and, what is more, the support of the Committee for foreign and European affairs, defence, cooperation and immigration of the Chamber, which is the Chamber's EAC. Contrary to other committees, which are supported by the "*Committees Service*" department of the

[248] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, Member of the Chamber of Deputies, face-to-face interview, 14 January 2013, Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013, and Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

Chamber, the EAC is larger in scope and may draw on extended staff. Formally, two administrators plus one assistant are attributed to the EAC. Other committees count one administrator plus one assistant at the most. Half of the committee administrators are assisted by one person and responsible for two committees.

In 2004, the International relations and Protocol department consisted of 4.5 posts. At that time, one position was vacant. In 2009, 3 posts were vacant, at a staff of 7 and in 2010 those vacancies were mostly filled with 2.75 employments. Thus, since 2004, the International affairs and Protocol department has more than doubled. The head of the department is one of two Deputy Secretary Generals of the Chamber and secretary of the COSAC delegation. In addition, three administrators and one assistant are working on EU affairs within this department, among them the EAC secretary and her assistant, the correspondent for the platform for EU Interparliamentary Exchange (IPEX) and one administrator charged with the evaluation of EU documents. Also attached to the International relations department is the permanent representative of the Chamber in Brussels. The post was created in 2006, right after the Luxembourgish Council and COSAC presidency. The permanent representative does not have any support in Brussels, but relies on the resources of the International relations department of the Chamber.

The installation of the Europe unit in the Chamber and thus the increase of personnel were intended by its Europe strategy[249] of 2005 (compare with section 6.1.2).[250] Parliamentary clerks should in a first period take over the classification of EU documents

[249] "*La stratégie européenne de la Chambre des Députés*", Chambre des Députés, 2006.
[250] Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

into A and B and create lists for the use in the sectoral committees. The B-documents are accompanied by a note including references, a proposal for its evaluation and possibly a summary of its content. The Europe strategy foresaw in a second phase to attribute a larger role to the civil service in this process. Clerks should conduct profound research and draft the political opinion or motivated opinion respectively.[251] The role of staff was however not extended as the workload does not allow going into detail with every B-document, seen that they comprise around 50% of all EU documents sent to the Chamber. The administrative burden is enormous.[252] Thus, the Europe unit plays a crucial role in the selection of documents determined to be examined in committees. However, it does not have the last word.[253]

The EAC reassesses this selection and sometimes adjusts it.[254] The changes in the selection always concerned A-documents (documents judged of no major interest for Luxembourg) to be shifted to the B-category (documents of interest for Luxembourg). Such shifts, which are rather rare, were always initiated by individual MPs of the EAC who had a special interest in a particular issue. If for instance a MP engages for the protection of rare species, he/she would demand a document on deep sea fishing to fall into group B. The administration would primarily not assess any document related to maritime affairs as of major interest to midland Luxembourg.

[251] La stratégie européenne de la Chambre des Députés (2005), point IV.
[252] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[253] Clerk of the Chamber of Deputies, face-to-face interview, 3 May 2013.
[254] Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.

The **selection of important** documents seems to be straightforward, and in case, sectoral committees may still shift documents among them.[255] The priorities have not changed since 2006. The Chamber's Europe unit and the EAC estimate that no informal coordination among NPs would be needed to take up a respective Commission document for scrutiny.[256] Instead, when the composition of the EAC changes after elections, the priorities of the new MPs may shift and result in a revaluation of B-documents. If the EAC holds no meetings, during the summer break for instance, the list remains unseen and is established by the administration alone.[257]

The **representative of parliament at the European institutions** eventually helps to point at important issues. His/her task is to collect information not available in Luxembourg, and as early as possible, on European dossiers which are of interest for the country. More specifically, he/she attends committee meetings and plenary sessions of the EP, meetings with functionaries of the EP and other European institutions, keeps up contact with the Luxembourgish MEPs and their assistants, the COSAC secretariat and the other interparliamentary secretariats, the EP department in charge of the relations with NPs, the permanent representatives of the other NPs etc. The permanent representative sends information notes to the staff of the International relations department. He/She guides delegations of the Chamber at the EP and follows any order given by the Bureau or General Secretary of the Chamber.[258] He/She may alert the Chamber at an early stage

[255] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[256] Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012.
[257] Clerk of the Chamber of Deputies, face-to-face interview, 22 April 2013.
[258] La stratégie européenne de la Chambre des Députés (2005), point II (D).

about important EU legislative proposals to come and inform about the activities in other NPs.

Not least, however, **government helps** focusing on issues of national interest. Ministries keep observing whether EU draft legal acts respect the subsidiarity and proportionality principles. The choice of EU legislation subjected to a subsidiarity and proportionality checks requires some expertise and has not always been as freely chosen by the Chamber as one would think. The new possibilities offered to influence a draft act at early stage are well-known by the ministries. For instance, it turned out in interviews that the first subsidiarity test check in the framework of the COSAC regarding the 3rd railway package originated in an initiative of the Transport ministry.[259]

While this incident may be the exception, the instrument is regarded as means to strengthen the position of a minister in Council negotiations since the entering into force of the Lisbon Treaty at the latest.[260] Thus parliament became to some extent a **means to an end** for government to early push an EU draft legislative act into its direction. In the case of the 3rd railway package, the initial resistance of the parliamentary administration was overcome and the majority factions in the Chamber supported the initiative fully.

The more the Chamber is able to establish its expertise, not least with regards to subsidiarity and proportionality control, the more independent it will be able to act vis-à-vis government. Such development is estimated probable in future. At the moment, this

[259] Ministry official, face-to-face interview, 10 October 2013.
[260] Member of the Chamber of Deputies, face-to-face interview, 26 September 2013. This contradicts what we have stated before, on the disadvantages of a formal mandating system mentioned by interviewees.

expertise may be found in the ministries mainly. Hence, parliament also requests their cooperation, in case it selects a document for closer inspection. However, even ministry officials judge the instrument as important, not least because the position of the Chamber not necessarily corresponds to the position of government. Still, their main argument remains the facilitation of negotiations at EU level as a minister may refer to impossibility of transposition of an EU draft legislative act. It is a strategic means in their bargaining.[261]

### 6.2.3. Summary and conclusions: EU scrutiny in practice

The Chamber's EU scrutiny in the narrow sense is based upon the control of government on the one hand, and the European institutions on the other hand. Government in practice seems to meet its obligations regarding the information duty it has vis-à-vis parliament. Particularly the non-public committee meetings provide large occasion for an exchange on secret Council bargaining and important policy initiatives at European level. Generally speaking, ministers were ready to present themselves in parliament and discuss with MPs. The exception proves the rule. But then it also depends on the committee chair and his/her willingness to invite and welcome a minister. Committee chairs are the crucial driving force for the scrutiny of government more generally and in EU matters more particularly. The flipside of executive presence in committee is executive dominance. By the nature of the principal agent relationship, parliament to some extent depends on the government's expertise. Thus, committee chairs should guard the good ratio of presence

[261] Ministry official, face-to-face interview, 10 October 2013, and Member of the Chamber of Deputies, face-to-face interview, 26 September 2013.

and absence of ministers and their staff, which gives MPs a maximum of information from government and keep their independence at the same time.

While the formal rules do not foresee the possibility to mandate ministers, the presence of government representatives in committee meetings may help MPs to still transmit their perspectives. The increase of committee meetings, most notably in the European affairs committee (EAC), increases the number of occasions to do so. On the other hand, it makes it more difficult for ministers to always be present and "*take control*" of the committee. An investigation on a sample of years shows that the share of meetings covered by government representatives has decreased in the period of investigation. This result for the EAC has to be taken with caution and may not be generalized over all committees. Seen the special function of the EAC as coordinator in EU subsidiarity and proportionality control (it checks the list of important EU documents established by the Chamber's Europe unit), this decrease in governmental presence may be taken as an indicator of an increased independence of the Chamber in EU matters.

With regard to the control of the compliance of European institutions with the principles of subsidiarity and proportionality, the Chamber is among the more active ones in the EU. Already, it not only took part but actively enabled the pre-Lisbon tests organised by the COSAC. For the purpose of screening EU documents amongst others, the staff of the Europe unit was increased. Thus, the Chamber has given itself the means to effectively scrutinise the European institutions' policy output. Between 2006 and 2011/2, around 50% of all EU documents were classified important B-documents. While the procedures

introduced for this purpose are satisfying from the administrative point of view, the Europe unit has identified delegated acts and modified proposals as EU documents, which partly escape the attention of NPs. What is more, the goal to involve all MPs into EU matters has not been successful. Thus, the chapter is not closed yet and procedures might be adapted within the coming years.

## *6.3. The EU document control burden: The input side*

In this final section of our chapter six on EU scrutiny, we shed a light on yet another aspect of the document-based system of EU scrutiny. More particularly, the input side of subsidiarity and proportionality control is investigated within this section. In the first place, the general amount of EU documents entering parliament is thus evaluated. In the second section, the European affairs committee of the Chamber (EAC) is introduced and the burden EU documents represent for the sectoral committees investigated. Again, like in section 6.2., the data used are based upon the reports of the European Commission, the Chamber as well as interviews.

### 6.3.1. A quantification of the flow of EU documents

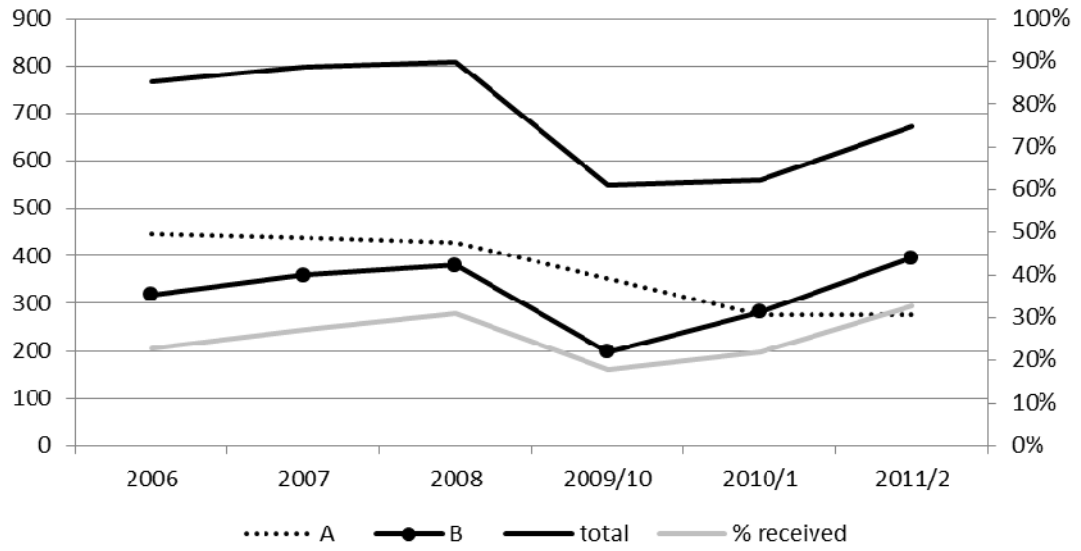
The Chamber's evaluation reports indicate that around 4,150 EU policy-making documents entered the Chamber between 2006, when the European Commission started sending EU documents directly to NPs, and the 2011/2 parliamentary session. That is, around 700 documents per year. Unfortunately, no statistics exist on the first half of 2009, when the documentation changed from a yearly capture to a count by session. For the full

years contained in the statistics, the number of documents received decreased from 766 in 2006 to 672 in 2011/2, with a peak of 809 in 2008. Overall, the amount of EU policy-making documents received by the Chamber sank at lower level as of the 2009/10 session, but increased again in 2011/2.

An important change may be observed in the last two sessions. Up until 2009/10, the absolute number of A-documents always ranged above the number of B-documents. In 2010/1, their numbers almost equalled with 277 A- and 282 B-documents. In 2011/2, B-documents for the first time outnumber A-documents by 120. Thus, a larger share of the incoming documents is considered important and consequently should be treated by the sectoral committees. Although the total number of EU documents sent to the Chamber decreased over the years, the screening burden did not decrease and is supposed to continue its upward trend (Figure 78).[262]

[262] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu, printed minutes of public sessions and activity reports.

*Figure 78: A- and B-documents per year and session, absolute numbers, 2006-2011/2*

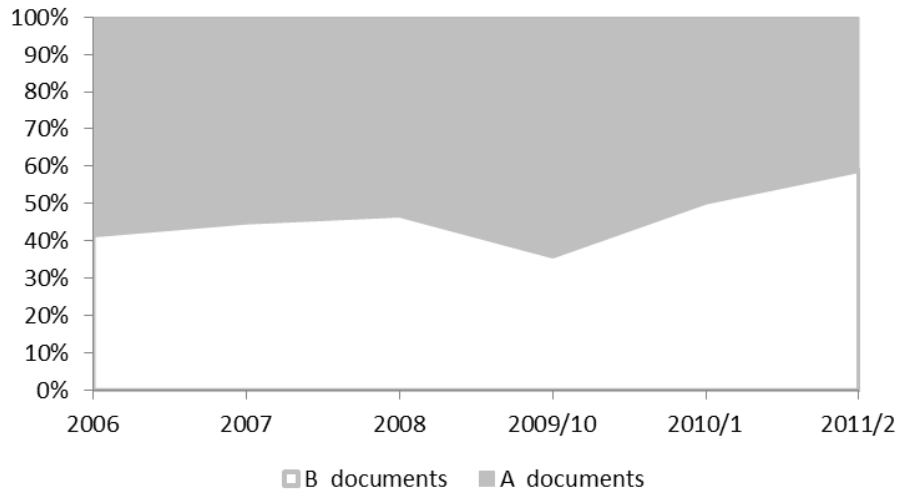



The total amount of documents entered in the Chamber is echoed by a somewhat similar trend in the EU legislative output (compare with Figure 8 in section 2.1.1). However, while the total EU legislative output consists of adopted acts, it is draft acts and preparatory documents which enter the Chamber at an early stage. Not all of those see the day of light in form of a legislative act. Still, the total amount of EU policy-making output exceeds the documents entering the Chamber many times over. Not all legislative initiatives are thus sent to the Chamber. The difference may partly be explained by modified acts (compare with point 6.2.2.), documents which were criticised by the Europe unit to bypass NPs.

Around half of the documents which entered the Chamber were evaluated to be important over the whole period, as the more or less parallel development of the total amount of received EU documents and **B-documents** suggests. Indeed, after those documents went

through a first evaluation on the average 47% of them were considered important B-documents. Their share increased over the years, however receded in the 2009/10 session. In the last two sessions 2010/1 and 2011/2, the amount of B-documents has increased again (Figure 79).

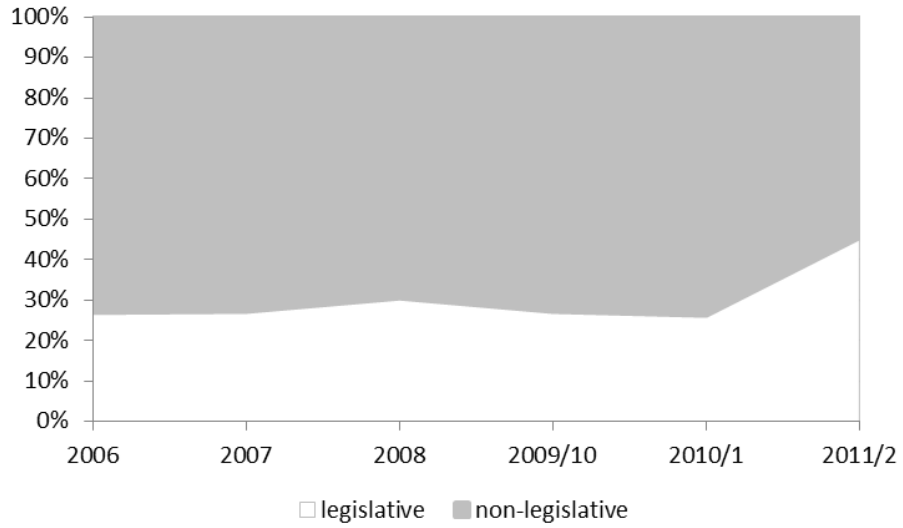
*Figure 79: A- and B-documents, percentages, 2006-2011/2*




Among the B-documents the Chamber administration divides between **legislative and non-legislative acts** in order to determine whether the EWM or the political dialogue applies. Only legislative documents fall under the subsidiarity and proportionality principles. In absolute numbers, non-legislative documents outnumber legislative acts by two. While 622 legislative documents (that is decisions, directives and regulations) were classified "B", 1,184 non-legislative acts (that is communications, reports, green and white papers, and other) were so. Per year, on average 104 legislative documents and 228 non-legislative documents were considered important enough to be distributed to the sectoral committees. Since 2006, the share of legislative acts among the important B-

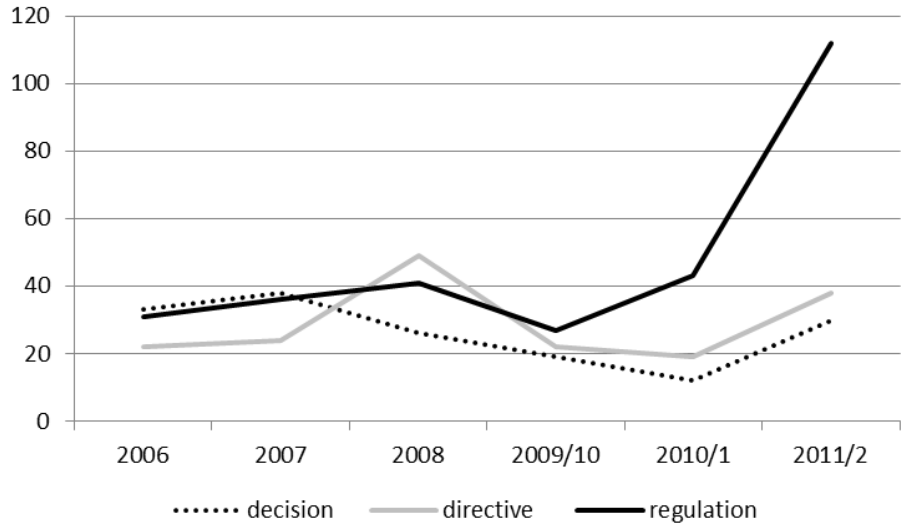
documents has been stable until the 2010/1 session. In 2011/2, this share increased (Figure 80).

*Figure 80: Legislative and non-legislative B-documents, percentages, 2006-2011/2*



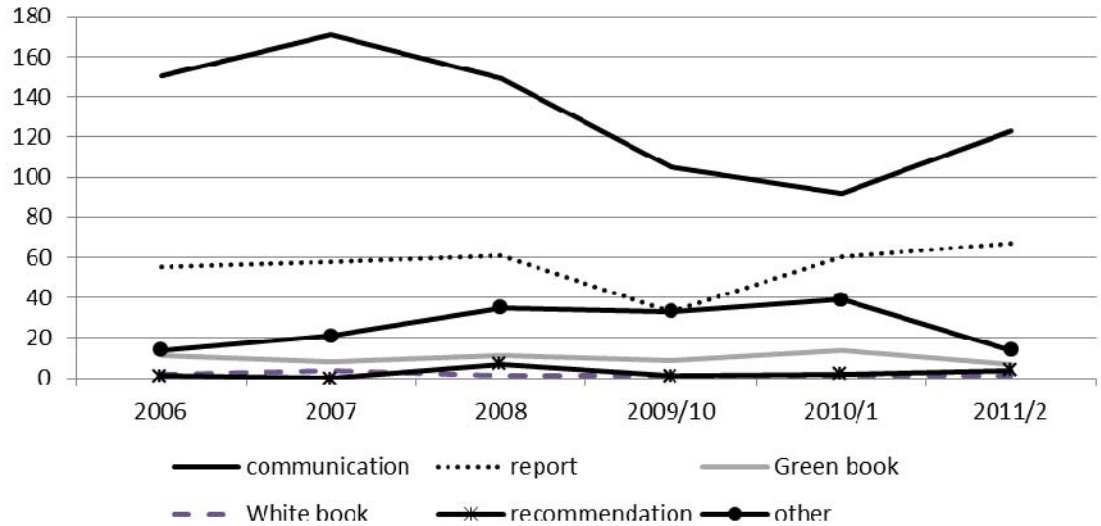

Almost half of all the legislative B-documents were regulations. This total percentage is due to an increase in B-regulations within the 2011/2 session. Up until 2009/10, the three types of legislative acts were at almost equal amounts represented in B-documents (Figure 81).

*Figure 81: Types of legislative B-documents, absolute numbers, 2006-2011/2*



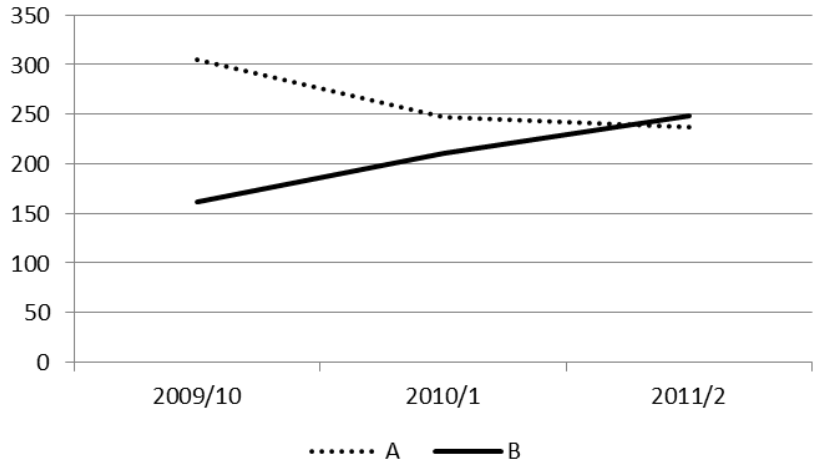

Among the non-legislative acts, communications make the big share of all documents, although their number decreased until 2010/1. Second range reports and third other forms of non-legislative acts. White and Green papers, as well as recommendations are among the less frequent incoming documents. However, quantity in this case certainly does not indicate quality or importance (Figure 82).

*Figure 82: Types of non-legislative B-documents, absolute numbers, 2006-2011/2*




When it comes to the **political dialogue**, data are available since 2008/2009. In absolute figures, 1,409 documents fell under the political dialogue. Among them, 620 were considered important B-documents. While A-documents outnumbered B-documents in 2009/10, the inverse is true in the 2011/2 session (Figure 83).

*Figure 83: A- and B-documents falling under the political dialogue, absolute numbers, 2009/10-2011/2*



Those figures impressively demonstrate the burden that EU documents pose to a parliament, which used to adopt around 90 laws per parliamentary session (compare with section 2.2.1). The number of incoming EU documents is many times higher than the number of law initiatives. As we have seen, around 104 B-documents fall under the subsidiarity and proportionality check, 228 under the political dialogue per year. An improved selection of important documents could help reducing this burden, which varies however depending on the policy area. The next section disentangles the picture and evaluates the consequences of the document-based EU scrutiny for committees.

### 6.3.2. The burden of EU scrutiny for the committee

Above all, the Chamber's European affairs committee (EAC) is challenged by the inflow of EU documents. It functions as a formal coordinator within the ex-ante document-based model of EU scrutiny employed by the Chamber. EU documents are checked at earliest possible stage after their transmission by the EU institutions (compare with section 6.1.2). The EAC is responsible for the review of the selection of important EU policy documents made by the Europe unit of the Chamber. On this basis, the Conference of Presidents attributes the important B-documents, which need to be followed up, to the respective sectoral committees.

Apart from the increase of the EAC's function as a coordinator in the screening of EU documents, it is a sectoral committee at the same time. The predecessor of today's Luxembourgish **Committee on foreign and European affairs, defence, cooperation and immigration** was created in 1989, as Committee on foreign and Community affairs.

We have already mentioned its increase of jurisdiction: In 2000, defence added to the portfolio and in 2004, its scope was once more extended to cooperation and immigration (compare with section 3.1.1). Hence, it works as a sectoral committee on foreign affairs, defence, development, cooperation and immigration.

**Legislative sectoral committees** are concerned to a varying extent by European matters and motivated to a different degree to contribute to the screening of EU documents. One expression of their degree of Europeanisation is the amount of EU policy documents they receive for review. By far the most B-documents enter the Committee for Foreign and European affairs, immigration, defence and cooperation (EAC), followed by the Economy committee (ECON) and the Finances and Budget committee (FIBU). The committees least dealing with EU acts are the Housing committee (LOG), the Committee for institutions and constitutional revision (INST) and the Committee for the control of budgetary execution (CODEXBU). The three committees most concerned by B-documents receive almost half of them. Six further committees receive further 30-40%. Six committees again receive a decreasing 10-20% and the committees the least concerned receive less than 10% of all B-documents.

Committees have large discretion when it comes to the examination of EU documents. The **EAC** as a sectoral committee treats each EU document in its jurisdiction. Rapporteurs are determined who briefly present the items on the list, their relevance and possible problems. Reports are only written on those documents which seem of particular interest. Most of the documents it receives are however cases for the political dialogue

rather than subsidiarity and proportionality control. Thus, documents of general interest are often presented, such as European Commission reports, which could be followed up by directives eventually. Subsidiarity issues rarely fall into the EAC's competences.

Having the same functions like every other legislative committee, the EAC is concerned with the creation of reports on bill projects, their discussion and amendment. Although the EAC's jurisdictions have been increased, EU matters take most of its time. On the EAC's agenda, they remain among the most frequent items. In almost three fourth of all meetings of the years 2001, 2006 and 2011, the EU matters were scheduled and this stays quite so over time.

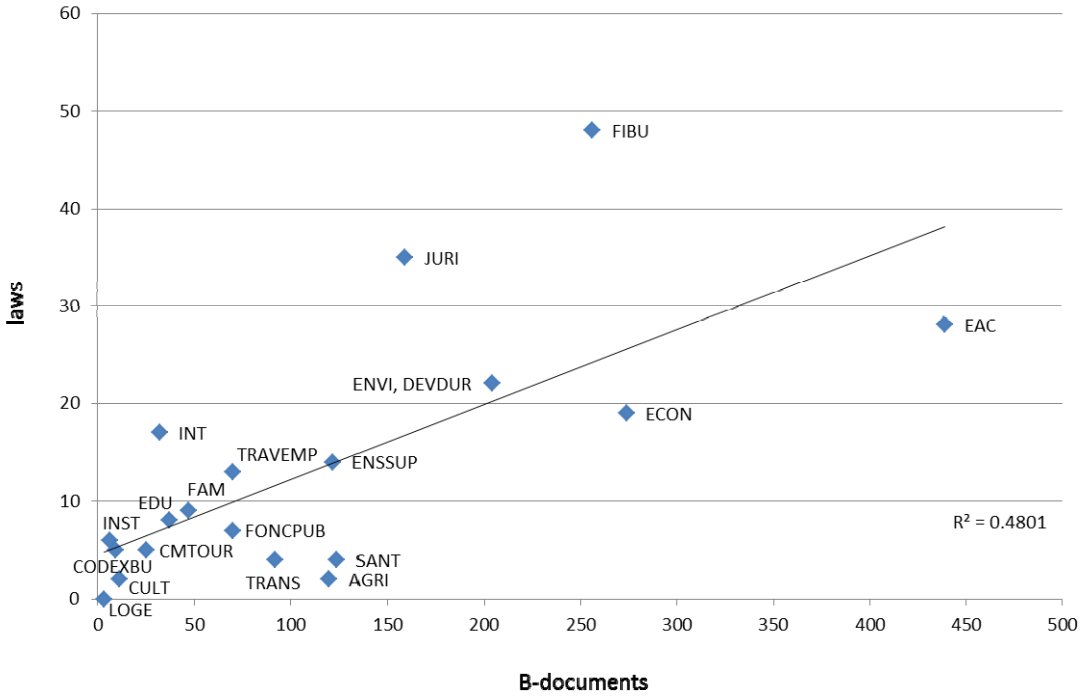
With this extensive dealing of EU documents the EAC is located on the extreme end of a spectrum of committees. In other sectoral committees, practices differ, but generally EU issues are taken seriously. The decision of how to proceed in the concerned committees is largely up to the respective committee chair.[263] Europe is more present in committees than it was before the introduction of the EWM.[264]

In terms of the burden for permanent committees, we may distinguish between three groups: Firstly, the largest bulk of committees is only mildly concerned by EU documents (receiving less than 150 B-documents since 2006) and which are not very much involved in lawmaking either. A second group of committees is comprised by the busy lawmaking committees, which receive a medium amount of EU documents. Those

[263] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.
[264] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, and Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013.

are the FIBU, the JURI and the ENVI/DEVDUR. Finally, a group of two committees is comparatively more affected by EU documents than by laws, that is the EAC and the ECON (Figure 84).[265]

*Figure 84: Permanent committees concerned by lawmaking and EU documents, absolute numbers, 1999/2000-2011/2*



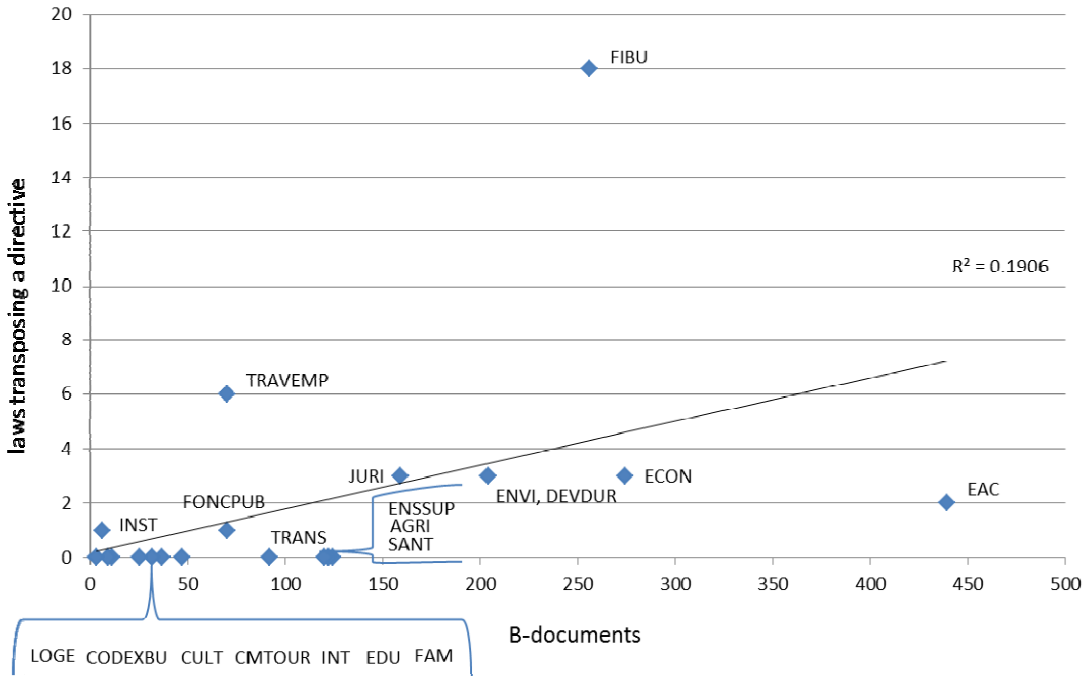

Compare with the committee key in Annex 0 on page 173

Plotting EU B-document sending and transposition obligations, we again find a group of most committees not concerned by both. A group of JURI, ENVI/DEVDUR and ECON is concerned by both to a moderate extent. Apart from them, three outliers may be found. The Work and Employment committee (TRAVEMP) is only weakly concerned by EU

[265] Where not otherwise indicated, the data of this section are encoded and calculated by the author who retrieved all required information from parliamentary proceedings, that is the website of the Chamber at www.chd.lu, printed minutes of public sessions and activity reports.

documents, while it deals with a medium number of transposition laws. And the FIBU is on the opposite extreme end than the EAC. Both receive a rather large amount of EU documents, however, the FIBU in addition is concerned with many transpositions, while the EAC is not (Figure 85).

*Figure 85: Permanent committees concerned by transposition and EU documents, absolute numbers, 1999/2000-2011/2*




Compare with the committee key in Annex 0 on page 173

Some commentators note that the EAC and other committees much concerned with EU affairs enhanced their status.[266] Thus, committee chairs may use the new tools of the EWM and the political dialogue to **create and provide expertise in EU matters**, not least in order to control government. Some potential for EU scrutiny still seems to lie

[266] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012.

idle. For instance, those committees, which are less challenged by lawmaking, could get more involved in EU scrutiny (compare with Table 10 on page 170).

Committees do however not provide over larger resources in order to deal with the increased workload. A broad selection of EU documents is provided and committees then left alone with the burden. This situation poses **multiple risks**. Firstly, the new tasks in EU matters may go at the expense of the other activities of committees, that is lawmaking more particularly, and scrutiny of government in other matters. Secondly, and inversely, EU scrutiny may be neglected. Thirdly, none of the tasks a committee should accomplish is done in a profound and proper way. Therefore, if a committee fails to establish expertise and control government, a minister may dictate policy at will. In the worst case, parliament may represent a pure means in the hands of government. This situation is already at place in some policy fields, following the opinion of some interviewees.[267]

The committees which received the most B-documents, that are the EAC, the ECON (ECONSP, ECCESS), the FIBU, the JURI and the ENVI/DEVDUR, have all augmented the frequency of their meetings. Comparing the years 2006 and 2011, we notice that the number of B-documents those five committees should deal with per meeting jumped up for the FIBU and the JURI, whereas the EAC could diminish its burden by the major increase of meetings it holds. The amount of B-documents the ECON should deal with per meeting remained the same, also due to the higher frequency of its meetings (Table 27).

[267] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013, and Ministry official, face to face interview, 10 October 2013.

*Table 27: B-documents by committee meeting, absolute numbers, 2006 and 2011*

| | 2006 | | | | 2011 | | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | committee | meetings | B-docs | ratio | committee | meetings | B-docs | ratio | meetings | B-docs | ratio |
| 1 | AEEDCI (EAC) | 51 | 93 | 1.8 | AEEDCI (EAC) | 72 | 69 | 1.0 | 123 | 162 | 1.3 |
| 2 | FIBU | 54 | 32 | 0.6 | FIBU | 47 | 38 | 0.8 | 101 | 70 | 0.7 |
| 3 | ECONSP | 21 | 25 | 1.2 | ECCEES | 32 | 38 | 1.2 | 53 | 63 | 1.2 |
| 4 | JURI | 36 | 24 | 0.7 | JURI | 48 | 38 | 0.8 | 84 | 62 | 0.7 |
| 5 | ENVI | 25 | 24 | 1.0 | DEVDUR | 56 | 33 | 0.6 | 81 | 57 | 0.7 |
| 6 | AGRI | 19 | 14 | 0.7 | AGRI | 22 | 28 | 1.3 | 41 | 42 | 1.0 |
| 7 | ENSSUP1 | 14 | 15 | 1.1 | ENSSUP2 | 37 | 24 | 0.6 | 51 | 39 | 0.8 |
| 8 | SANT | 18 | 16 | 0.9 | SANT | 29 | 17 | 0.6 | 47 | 33 | 0.7 |
| 9 | TRANS | 14 | 29 | 2.1 | x | | | | 14 | 29 | 2.1 |
| 10 | FONCPUB2 | 12 | 18 | 1.5 | FONCPUB3 | 7 | 1 | 0.1 | 19 | 19 | 1.0 |
| 11 | TRAVEMP | 29 | 11 | 0.4 | TRAVEMP | 10 | 7 | 0.7 | 39 | 18 | 0.5 |
| 12 | FAM, EGAL | 19 | 7 | 0.4 | FAM, EGAL | 25 | 8 | 0.3 | 44 | 15 | 0.3 |
| 13 | EDU | 13 | 5 | 0.4 | EDUSP | 37 | 6 | 0.2 | 50 | 11 | 0.2 |
| 14 | INT2 | 17 | 3 | 0.2 | INT3 | 31 | 6 | 0.2 | 48 | 9 | 0.2 |
| 15 | CMTOUR, LOG | 5 | 1 | 0.2 | CMTOUR | 17 | 3 | 0.2 | 22 | 4 | 0.2 |
| 16 | CODEXBU | 25 | 0 | 0.0 | CODEXBU | 32 | 3 | 0.1 | 57 | 3 | 0.1 |
| 17 | INST | 20 | 0 | 0.0 | INST | 12 | 1 | 0.1 | 32 | 1 | 0.0 |
| 18 | x | | | | CULT | 7 | 1 | 0.1 | 7 | 1 | 0.1 |
| 19 | x | | | | LOG | 10 | 1 | 0.1 | 10 | 1 | 0.1 |
| 20 | TRAVPUB | 10 | 0 | 0.0 | x | | | | 10 | 0 | 0.0 |
| | Total | 402 | 317 | 0.8 | Total | 531 | 322 | 0.6 | 933 | 639 | 0.7 |

### 6.3.3. Summary and conclusions: The EU document control burden

This section addressed the input-side of the document-based EU scrutiny system of the Chamber. The subsidiarity and proportionality control of EU draft legislation requires a significant investment of time and resources in the separation of important and negligible documents. The Chamber provides some statistics on those documents which enter parliament. The total burden of EU documents has decreased since 2006, however, the amount of legislative documents increased in recent years (compare with section 2.2.1). The political dialogue remains more important in terms of the share of documents it applies to. Among the legislative and non-legislative documents, the number of B-documents (classified as important) has outnumbered the less important A-documents. Thus, in total, although the general amount of EU documents has decreased, parliament is not relieved, but treats ever more EU documents further as they are considered important. The resources provided to the individual committees have however not been increased.

The different sectoral committees face a varying burden of EU documents. Among the most challenged committees are the EAC, the Economics committee (ECON) and the Finances and Budget committee (FIBU). The actual scrutiny of EU documents depends on the available time and the motivation of committees, especially their chairs, to devote time to European issues. A third, important factor determining the level of activity in EU scrutiny is the quality of the preselection of documents.

Thus, some potential lies still idle when it comes to the EWM and the political dialogue with the European institutions. A formal obligation of committee chairs to deal with EU

matters, an increase in resources provided to them for this purpose and a review of the selection procedure to limit the number of chosen documents could considerably improve the situation.

## *6.4. Summary and conclusions: EU scrutiny*

The aim of chapter six was to contribute to a better understanding of how EU scrutiny works in the Chamber. With EU scrutiny in the narrow sense, it thus adds a third dimension of parliamentary control to legislative scrutiny as outlined in chapter four and parliamentary control tools in chapter five. This chapter developed in three sections: Firstly, the formal rules of EU scrutiny were outlined and their development investigated. This included both, the examination of rules on the control of government and of European institutions. Secondly, parliamentary practice of EU scrutiny was examined from an output perspective. Again, the control of government was separated from the control of European institutions. Thirdly, the practice of subsidiarity and proportionality control underwent a closer examination.

The investigation of the formal rules concerning EU scrutiny at domestic level discovered that the Rules of Procedures of the Chamber (RoP) underwent major reforms regarding EU scrutiny in the period under investigation, that is between 1999 and 2011. New provisions were introduced as of 2003 when a first attempt was made to formalise European matters in the Chamber and a Chapter 10 on European affairs entered the RoP. Parliament aimed to improve the information policy of government and to oblige it to forward EU documents. While government ignored this request, the Barroso-initiative of

2005 provided NPs with the necessary documents. In 2009, the Chamber formalised an agreement with government on European affairs. A better cooperation in EU matters was decided and the obligation to inform each other on their initiatives and positions introduced. In 2010, the Chamber adapted to the entering into force of the Lisbon Treaty. Hence, the RoP were extended to enshrine rules on the EWM. Altogether, those changes institutionalised European matters in the Luxembourgish parliament in the run-up to the Lisbon Treaty and beyond.

Apart from the sending of EU documents, the government largely met its obligations with regard to the information duty it has vis-à-vis parliament. Ministers are often present in the Chamber and most importantly in the non-public committee meetings. This is where they report on Council bargaining and important policy initiatives at European level. The Chamber's EU scrutiny model remained document-based; no formal mandating of government was foreseen. However, the minister is not the only party responsible for the Chamber's control of government in EU matters. It also depends on the committee chairs and MPs more generally to demand ministers to report. The presence of government in committees helps MPs to still transmit their perspective to government, despite the document-based EU scrutiny system. Beyond that, there may be a drawback of ministers taking part in committee meetings, notably when ministers dominate committees with their presence. This depends on the ministers, the chairs and MPs in committees. The skills of committee chairs to handle ministers and request reporting are thus the crucial driving force for EU scrutiny of government.

The control of European institutions' policy-making proposals has been taken up by the Chamber on a large scale. The control of the compliance of European institutions with the principles of subsidiarity and proportionality is taken seriously and requires a major administrative effort and time investment from the side of the European affairs committee (EAC) and the sectoral committees. The Chamber actively enabled and took part in the pre-Lisbon tests organised by the COSAC. Moreover, it has remained one of the more active assemblies in subsidiarity and proportionality control.

The Europe unit of the Chamber screens the incoming EU documents and in the past years has selected around 50% of them for closer review in sectoral committees. While the procedures introduced for this purpose are satisfying from the administrative point of view, the Europe unit has identified delegated acts and modified proposals as EU documents, which partly escape the attention of NPs. Seen the already large quantity of EU documents, the added value of such additional sending may however be questioned. What is more, delegated acts are supposed to be technical of nature and of minor interest to NPs. A more focused sending of documents could lower the burden of incoming EU acts. At last, the goal to involve all MPs into EU matters has not been entirely successful. The procedures might be adapted within the coming years.

Finally, from an input-perspective, it revealed that the total number of EU documents entering the Chamber per year has decreased since the beginning of sending in 2006. The evaluation of important B-documents however has shifted an increasing number of those incoming documents to an investigation in sectoral committees. Altogether, the political

dialogue is more often drawn upon than subsidiarity and proportionality control. Apart from the administration, the EAC takes much of the selection burden as it verifies the list established by the Europe unit of the Chamber. It is an outstanding committee, seen its large jurisdiction and role as coordinator of the screening of EU documents. The different sectoral committees face varying burdens of this selection. Among the most concerned are the EAC, the Economics committee (ECON) and the Finances and Budget committee (FIBU). More frequent meetings in the EAC have helped to cope with the increased burden of incoming B-documents.

Limits in time and motivation prevent a closer investigation of most of those documents. No formal obligation exists for instance for committees to actually examine the sent EU documents. At the same time, committees do not dispose over better resources in order to deal with an increased workload. The preselection still leaves some of them with a rather large amount of EU documents.

Summing up, EU scrutiny in the Luxembourgish parliament successfully targets the European institutions rather than the own government. It is the committees which carry the burden of the new opportunities offered at EU level, although at unequal levels.

# Chapter 7. Analysis and relevant literature on the effect of European integration on parliamentary control of government

This chapter serves two purposes: Firstly, it brings together the multiple findings of this study in order to **evaluate the four hypotheses** established in section 1.2. To this end, we create indices for each of the dependent (DV) and independent variables (IV) in order to take our findings to an aggregate level, without neglecting the details of our empirical analysis. Secondly, it puts this research and the Luxembourgish parliament into perspective by **relating the results and the more detailed findings to previous research**. It thus gives an account of what has been found in the course of the empirical chapters two to six and then frames the results in comparative perspective.

Surveying the relevant literature, we refer to three types of analyses concerned with the Europeanisation of national legislatures and their relationship to executives: Firstly, some scholars more particularly deal with the **Europeanisation of legislation and lawmaking**. They focus on the impact of European regulation on domestic law and legislative scrutiny. Secondly, research on **specific control instruments**, that is mainly parliamentary questions (PQs) adds important insights on how EU matters are tackled in NPs. Scholars in this area have contributed valuable and detailed analyses on the use, function and Europeanisation of PQs. Thirdly there is a growing body of literature addressing **EU scrutiny** in a more narrow sense. Authors of this strand address institutional adaptations regarding subsidiarity and proportionality control and the mandating of ministers to EU level negotiations. Each of the three literature strands is

treated in a separate section within this chapter. The findings of this study are then put into the context of this previous research.

Thus, we devote the first part of this chapter to an outline of the IV and DVs and thereafter attempt to evaluate our four hypotheses. The second section of this chapter deals with the previous literature on aspects related to this study and affords an evaluation of the contribution of the present thesis.

## *7.1. Analysis: Effects of European integration on parliamentary control of government*

This thesis aimed at testing four hypotheses: **Hypothesis $H_0$** took account of the question whether governmental discretion actually has changed at EU level. Based on this precursory evaluation, three more hypotheses were under consideration regarding the parliamentary control of government: **Abdication/deparliamentarisation Hypothesis $H_1$** suggested that NPs lose hold over governments due to European integration. **Adaptation Hypothesis $H_2$** assumed that parliament would adjust its control depending on governmental discretion and the risk for agency loss. **Domestic complicity Hypothesis $H_3$** finally proposed adaptation in support of government in order to work together for the national interest. In this section we outline the responses of this study's findings concerning those four hypotheses under investigation.

We account for the evaluation of **Hypothesis $H_0$** in the next section, and then outline our findings regarding the three hypotheses on executive-legislative relations in section 7.1.2.

Beforehand, we bring together the indicators of this study and establish four indices covering our IV and DVs. The IV on governmental discretion and the risk for delegation is set out in the next section. Then, the DVs covering the three pillars of parliamentary control of government follow. Finally, this enables us to give a response to the hypotheses guiding this thesis which closes the analysis.

### 7.1.1. The IV: Governmental discretion and the risk for delegation

This study investigated the development of governmental discretion at EU level as one part of our IV. The discretion index (DI) established in chapter two (compare with section 2.1.3 on page 74) consists of two components. On the one hand, it includes the size of policy output of the Council. On the other hand, it takes into account the ability of government to influence this policy output by using the voting weight of government in the Council of the EU.

Based on the DI, we could show that the enlargement to 25 member states in 2004 had a major impact on the voting power of Luxembourgish ministers in the Council of the EU. Indeed, even though the amount of Council acts slightly increased, the accession of new Eastern and Southern member states has considerably limited the influence of Luxembourg on Council decisions. Thus, the DI dropped importantly during Legislature 2 (CSV/LSAP I), that is in 2005, to slightly increase again thereafter but never fully recover again. Rather than strengthened, we had to conclude that governmental discretion has decreased during our period of investigation. Hence, the main assumption of many studies on NPs in the EU does not hold to be true for the Luxembourgish case, and most

probably for other NPs too. This is the **first conclusion** we must draw based on an evaluation of the DI.

In order to ensure the accurate causal relationship, we afforded to control for changes in **governmental discretion at domestic level**. The main aim was to check if - instead of our DI - developments not related to EU matters gave reason to parliament to adjust its scrutiny over government. Based on an analysis of the domestic context, and more particularly an investigation of the rules and practices guiding policy initiation and the legislative process, we could verify that governmental discretion in domestic matters did not change between 1999 and 2011. Government remained the main initiator of bills and was mainly constrained by the EU legislative output, because most of it is implemented by executive decree into the domestic legal order. The Chamber's inclusion in transpositions slightly increased but remained modest (compare with section 2.2). Hence, parliament had no reason to adjust scrutiny as government's discretion has not changed in domestic matters.

What has varied over time, however, is the **risk of delegation**. In a next step, we investigated the electoral programmes of parties in parliament and government in order to arrive at a measure for differences in policy positions. Those served as approximation for the parliament's risk of delegation. Interestingly, the minority factions in parliament as well as the coalition partner had to face the highest delegation risk in the most recent parliamentary year, that is in Legislature 3 (CSV/LSAP II) installed in 2009. More particularly, the party political differences between the coalition partners have jumped up

compared to Legislatures 1 and 2 (CSV/DP and CSV/LSAP I) (compare with section 2.3.2).

Following the findings on the development of **ministerial discretion at EU level** and the domestic preference constellation which consists of the **ministerial discretion at domestic level**, as well as the **risk for delegation** (as set out in chapter two), we may offer an outline of an IV which takes into account those three aspects. The first aspect is the discretion of ministers in the Council of the EU which revealed to decrease. The second aspect was governmental discretion at domestic level which has not varied in our period under investigation. Therefore, we may exclude that it has caused changes in parliamentary control of government and disregard it in our IV. However, we have to take into account the third aspect, that is the changing risk for delegation to the three governments in office between 1999 and 2011. It was the highest in the most recent Legislature 3 (CSV/LSAP II) and the lowest in Legislature 2 (CSV/LSAP I). Thus, our **IV** consists of two components: Ministerial discretion at EU level, as expressed by our DI, and the risk for agency loss. The higher either one of the two components, the more prone is parliament to adjust its control over government (Equation 4).

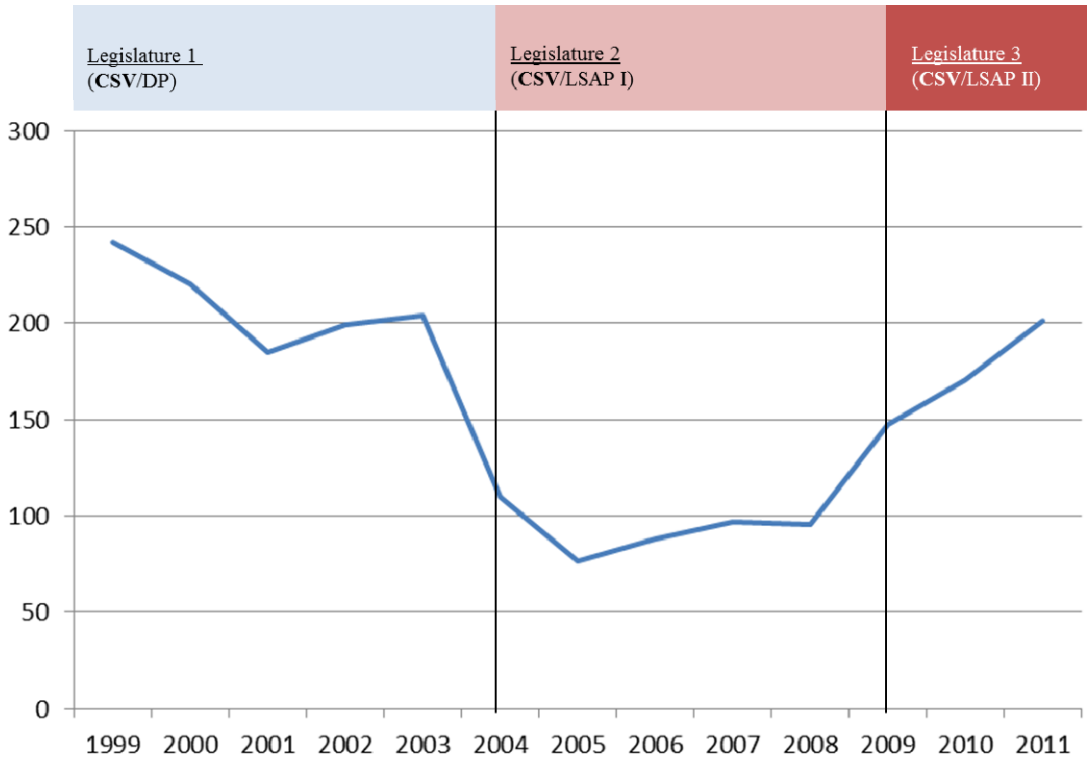
*Equation 4: Index of ministerial discretion including the risk for delegation (IV)*

$$IV = DI * R$$

IV: Independent variable
DI: Governmental discretion at EU level
R: Risk for agency loss

During the period of investigation, we have to deal with a U-shaped development of our IV. As a consequence of enlargement, ministerial discretion at EU level falls at a lower level during Legislature 2 (CSV/LSAP I). In 2009, our IV rises again because of the increased risk for agency loss, as the programmes of the political parties introduced more differences between political parties. Accordingly, we would assume parliament not to introduce major changes regarding the control of government in Legislature 2 (CSV/LSAP I). Legislature 1 (CSV/DP) and Legislature 3 (CSV/LSAP II) are more prone to provoke adjustments in scrutiny (Figure 86).

*Figure 86: Development of the IV, 1999-2011*



### 7.1.2. Effects of European integration on of parliamentary control of government: Three DVs

The present study is based on the expectation that parliament reacted on changes of the IV and with regard to three dimensions of parliamentary control: Legislative scrutiny, control instruments and EU scrutiny. The three pillars of parliamentary control represent the dependent variables (DVs) in this thesis.

**Legislative scrutiny**, the first DV, was measured using three indicators, that is the amount of amended laws, the share of non-unanimous decisions and the length of the legislative procedure. The higher each of these indicators, the stronger we have assumed legislative scrutiny to be. In order to arrive at a general evaluation of the strength of legislative scrutiny, we merge the three indicators into one measure. To this end, we multiply the average length of the legislative process per year with the share of non-unanimous laws (plus one)[268] and the share of amended laws (plus one) (Equation 5).

*Equation 5: Legislative scrutiny index (DV 1)*

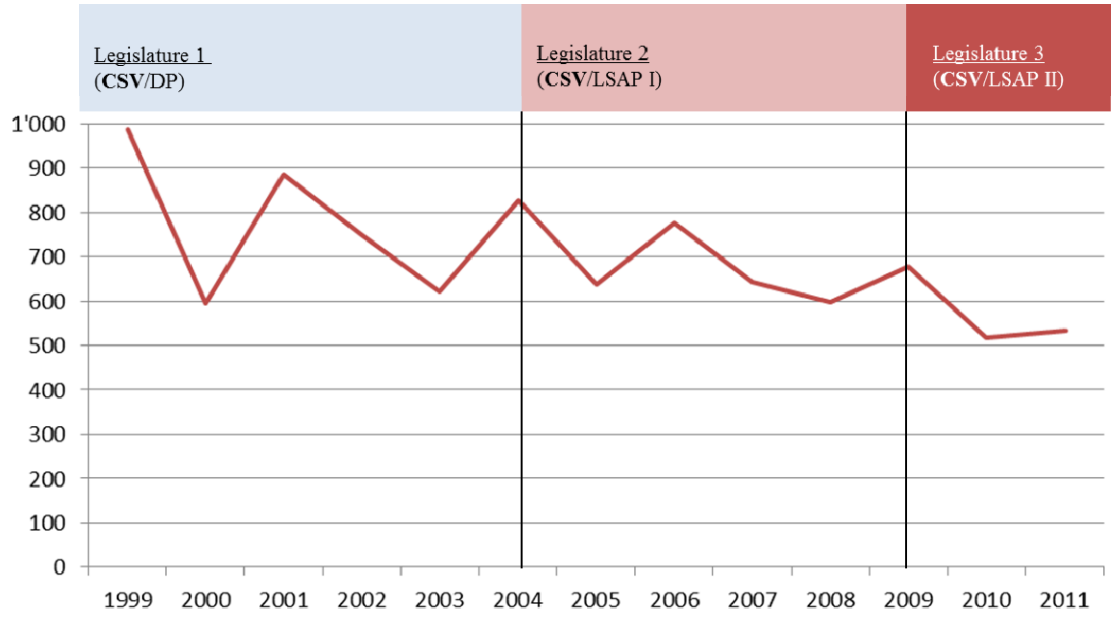
$$LSI = D * (\sim U + 1) * (A + 1)$$

LSI: Legislative scrutiny index
D: Average length of the legislative process per year (duration)
~U: Share of non-unanimous laws
A: Share of amended laws

[268] Adding one to the shares included in this equation makes them increasing the LSI, whereas the share itself would decrease the LSI. For instance, if D=100, ~U=0.1 and A=0.1, LSI=1. Thus, failing to add one to the shares diminishes our LSI. The correct calculation adding one goes LSI=100*(1+0.1) *(1+0.1)=121 and thus indicates that ~U and A contribute to legislative scrutiny.

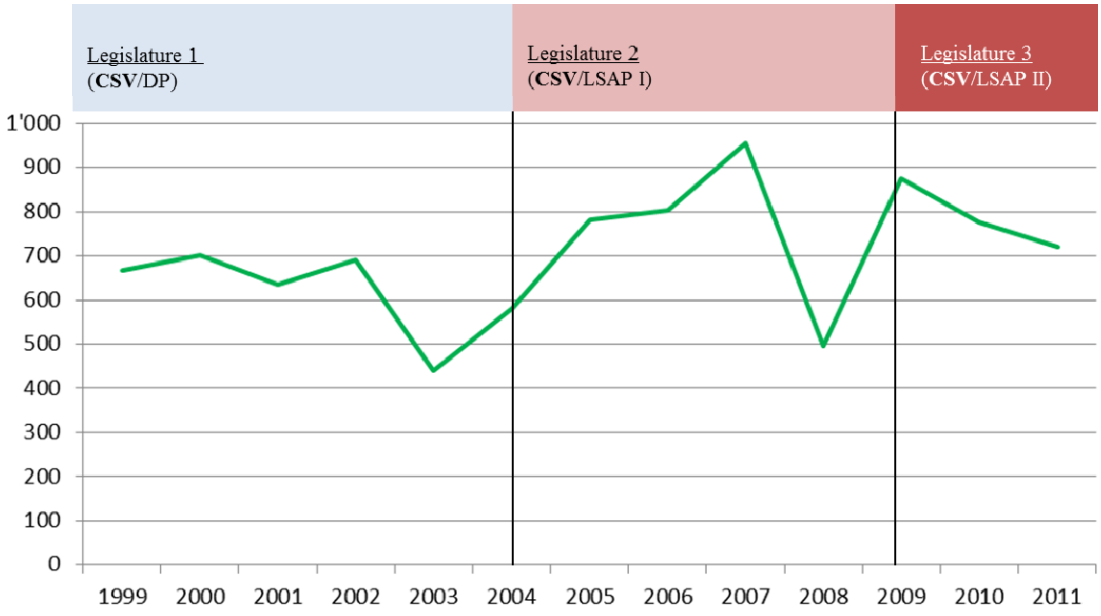
Although the share of amendments increased over the period under investigation (compare with Figure 42 on page 37), the so-calculated Legislative scrutiny index (LSI) decreased. The share of non-unanimous votes (compare with Figure 51 on page 213) and the length of the legislative process (compare with Figure 60 on page 234) accounted for this development. The LSI points out that the work in the Chamber, and most importantly in its committees, had an effect on the content of domestic draft laws, however, a critical evaluation of bills by MPs was not always fully guaranteed. In chapter four, this paradox was explained by the influence of other actors on bills, that is the State Council as well as government, and the quality of the law initiative. Parliament as such represented a forum for legislative work and besides its own input, drew on changes proposed by external instances (Figure 87).

*Figure 87: LSI (DV 1), 1999-2011*



Our second DV consists in **specific parliamentary control instruments**. This included an evaluation of the parliamentary questions (PQs), budgetary control and other, rarer forms of parliamentary control tools (motions and enquiry committees). In this final analysis, we use PQs only as cover and approximation for this second dimension of parliamentary control. They represent the most flexible and unrestrained instrument as they were used by individual MPs and brought up (almost) any topic. What is more, data on PQs is quantifiable and available for the whole period. Trends in budgetary control and with regards to enquiry committees did not go counter the trend of PQs. Indeed, they followed a similar trend of strengthened control. Thus, PQs deliver an adequate measure for the increased control of government by specific control instruments (Figure 88).

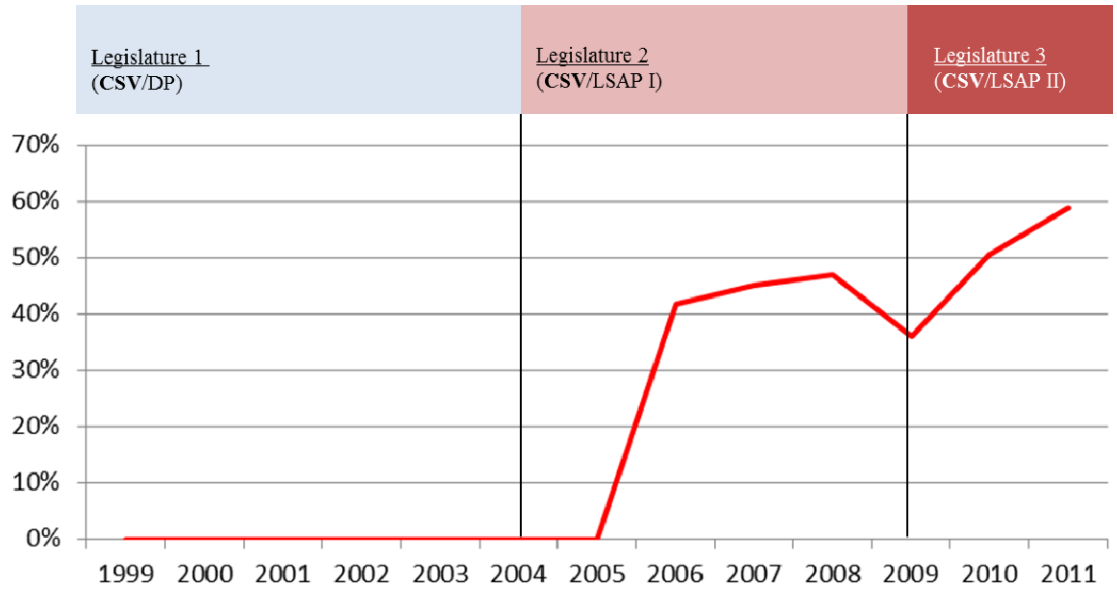
*Figure 88: Parliamentary questions (DV 2), absolute numbers, 1999-2011*



The third DV captures **EU scrutiny** in the narrow sense, and two dimensions account for it: The control of government and the scrutiny of EU documents. Chapter six pointed out that the Luxembourgish model of EU scrutiny was a document-based system. Thus, the control of government was not obligatory and only vaguely regulated in the formal rules leaving ministers and committee chairs large discretion. The pure presence of government in committees was no guarantee of scrutiny, in any case. On the contrary, it could point to ministerial dominance in a committee (compare with section 3.1).

In our final evaluation of EU scrutiny, we thus concentrate on the screening of EU documents. Our third DV is thus measured by the share of B-documents which represents around 50% of all received documents. Although this overall percentage does not guarantee a review by the responsible sectoral committee, it is the best indicator we have available at this moment. Until 2005, no EU documents were reviewed yet. The screening started in 2006 and has increased since. At about the same time, the Chamber became generally more active in EU matters. It took over the Presidency of the Council of the EU and held a referendum on the Constitutional Treaty in 2005. In its Europe strategy, it committed to engage more actively in EU matters. Since, it became one of the most active parliaments in subsidiarity and proportionality control and the political dialogue with the European Commission. Thus, despite its limitations, the screening of B-documents may be regarded as an accurate measure for the effective EU scrutiny in the Chamber (Figure 89).

*Figure 89: EU scrutiny (Dependent variable 3), 1999-2011*




This concludes our presentation of the DVs. In how far this development of the IV results in changes of parliamentary control of government is examined in the next section where hypotheses $\mathbf{H_0}$ to $\mathbf{H_3}$ are evaluated.

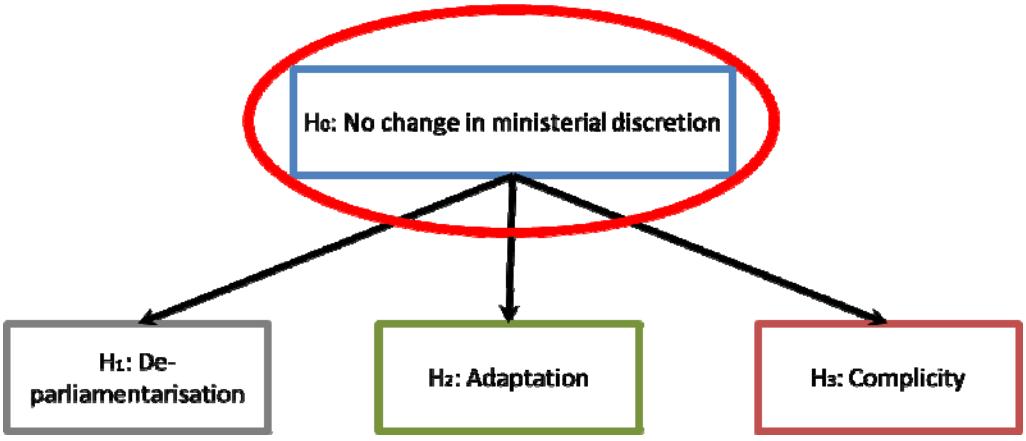
### 7.1.3. An evaluation of four hypotheses on the effects of European integration on parliamentary control of government: Abdication, adaptation or complicity?

This section examines whether our three DVs covering three pillars of parliamentary control of government were adapted according to our IV, that is the level of governmental discretion at EU level taking into account the risk for delegation. Although the detailed findings in the empirical chapters two to six suggested that parliament indeed is a reactive institution with regard to EU matters, we attempt in this section to put the analysis to an

aggregate level and provide sound evidence for each of our hypotheses, using the IV and DVs established in sections 7.1.1 and 7.1.2.

**Hypothesis $H_0$** regarded the discretion of government at EU level and set the starting point of this investigation. Chapter two addressed the question of discretion at EU and domestic level and taking into account the risk for agency loss as intervening variable. The objective was to evaluate whether the governmental discretion at EU level has changed and consequently afforded the Chamber to adjust its overview strategy (Figure 90).

*Figure 90: Relationship between hypotheses - Hypothesis $H_0$*

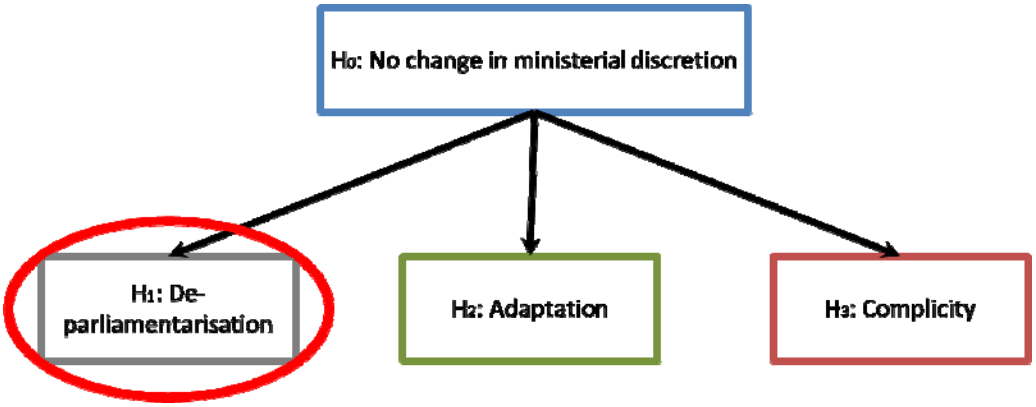



Our **Discretion index (DI)** based upon the voting power of member states and the quantity of Council acts affords us to **reject Hypothesis $H_0$** which assumed that ministerial discretion at EU level did not vary over the period of investigation (compare with section 2.1). In order to subsequently evaluate hypotheses **$H_1$** to **$H_3$**, we draw on our

IV, which includes the risk for delegation. Chapters three to six investigated different aspects of parliamentary control. The aim was to give a complete picture of the whole range of means in the hands of parliament to outbalance changes in discretion and risks of agency loss. Two arguments were drawn upon.

The famous deparliamentarisation/abdication **Hypothesis $H_1$** proposes that parliament is weakened because of European integration (Figure 91). Basically, it says that the leverage government has gained through European integration puts major constraints on parliament's capacity to control its agent.

*Figure 91: Relationship between hypotheses - Hypothesis $H_1$*



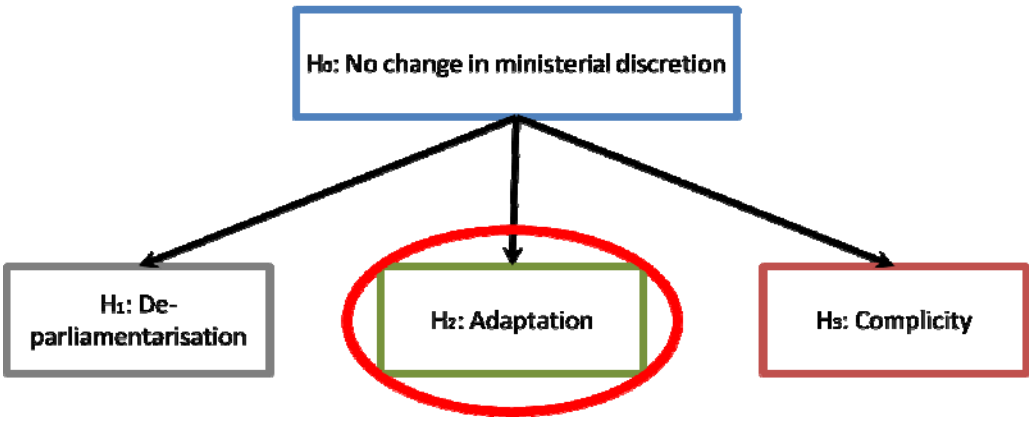

However, as we have seen with our investigation of governmental discretion at EU level and our DI, its basic assumption of an ever increasing advantage of government at EU level proved to be wrong. Drawing in addition on the results of the empirical chapters, we may **reject the abdication/deparliamentarisation Hypothesis $H_1$**. On the contrary, there are indications that the Chamber of Deputies could make steps towards emancipation from government over the period of investigation. Its institutional self-

understanding has developed and led to an increased self-confidence of MPs in the Chamber.

This evaluation is supported by qualitative as well as quantitative indicators: Most importantly, the evaluation given by the interviewees pointed into this direction. But also the use of **specific control instruments** showed that the Chamber took more distance to government. Chapter five outlined that budgetary control has strengthened, that ministers are increasingly held accountable by the means of PQs.

Based on the assumption that parliaments are reactive institutions, we have established an additional **adaptation Hypothesis $H_2$** (Figure 92). It assumes that parliament adapts with the discretion of government in EU matters. For an accurate evaluation of Hypothesis $H_2$, the risk for agency loss (that is the differences in policy positions) has to be taken into account and thus our IV. We assumed a positive relationship between our IV and parliamentary control. The more discretion ministers enjoy in the Council and controlling for domestic discretion and delegation risk, the more the parliament should be inclined to reinforce its control.

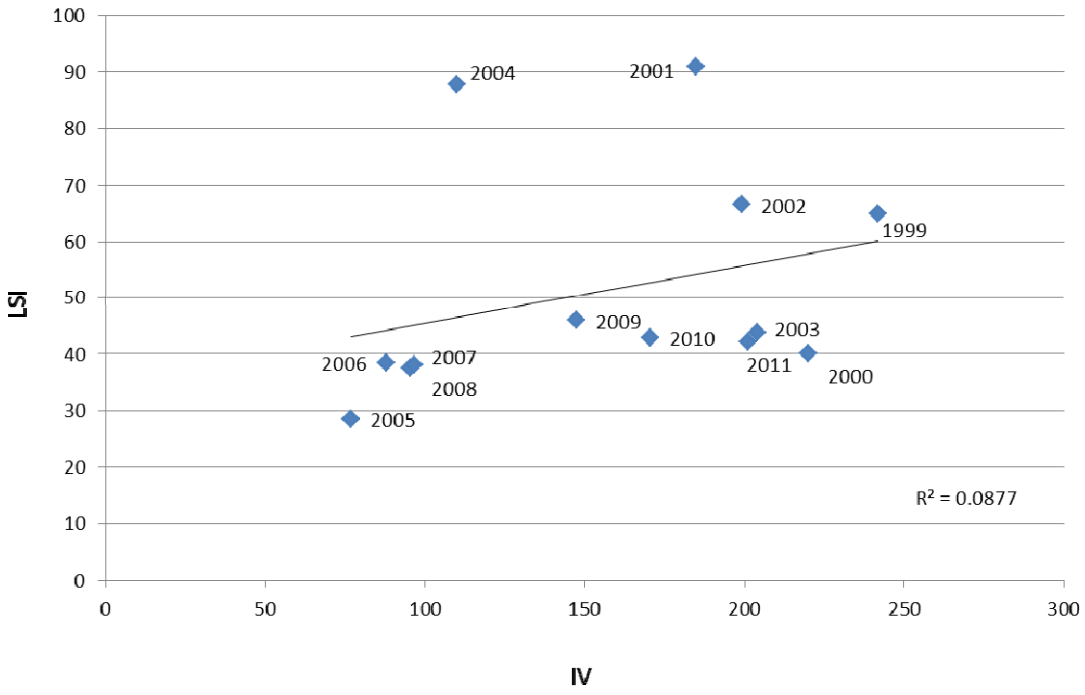
*Figure 92: Relationship between hypotheses - Hypothesis H₂*




Our index of **legislative scrutiny** was high in Legislature 1 (CSV/DP), decreased with Legislature 2 (CSV/LSAP I) and further decreased with Legislature 3 (CSV/LSAP II). Thus, it parallels the U-shaped trend of our IV only to some minor extent. According to our expectations, we still find a positive relationship between IV and LSI. This relationship between ministerial discretion at EU level and legislative scrutiny has however to be qualified. In chapter four it reveals that Europeanised laws generally attract the same attention as other laws during the lawmaking process. Although transposition laws are more likely to be amended than other laws, we must conclude that MPs treat them the same way as other government initiatives. The increased amendment rate is due to the fact that the bills may lack quality and still require adaptation to the domestic setting. Legislative scrutiny is unspecific and mainly dependent on the work of the parliamentary committees and their chairs. The low correlation coefficient of $R^2$=0.09 shows that the discretion of ministers at EU level only accounts for a minor part of the variation of legislative scrutiny (Figure 93). Apart from governmental discretion at EU

level and the risk for delegation, other additional factors influence the strength of legislative scrutiny.

*Figure 93: Correlation between the IV and LSI, 1999-2011 (N=13)*




Similarly, we look for a positive relationship between our IV and the use of parliamentary questions (PQs) MPs have introduced. We do not find support for this assumed connection. On the contrary, there is a small negative effect of IV on the use of PQs. The more discretion ministers enjoy at EU level, taking into account the risk of agency loss, the less PQs were introduced (Figure 94). This result is even more pronounced when we display ministerial discretion against PQs containing an EU link in their title (Figure 95).

*Figure 94: Correlation between the IV and the use of PQs, 1999-2011 (N=13)*

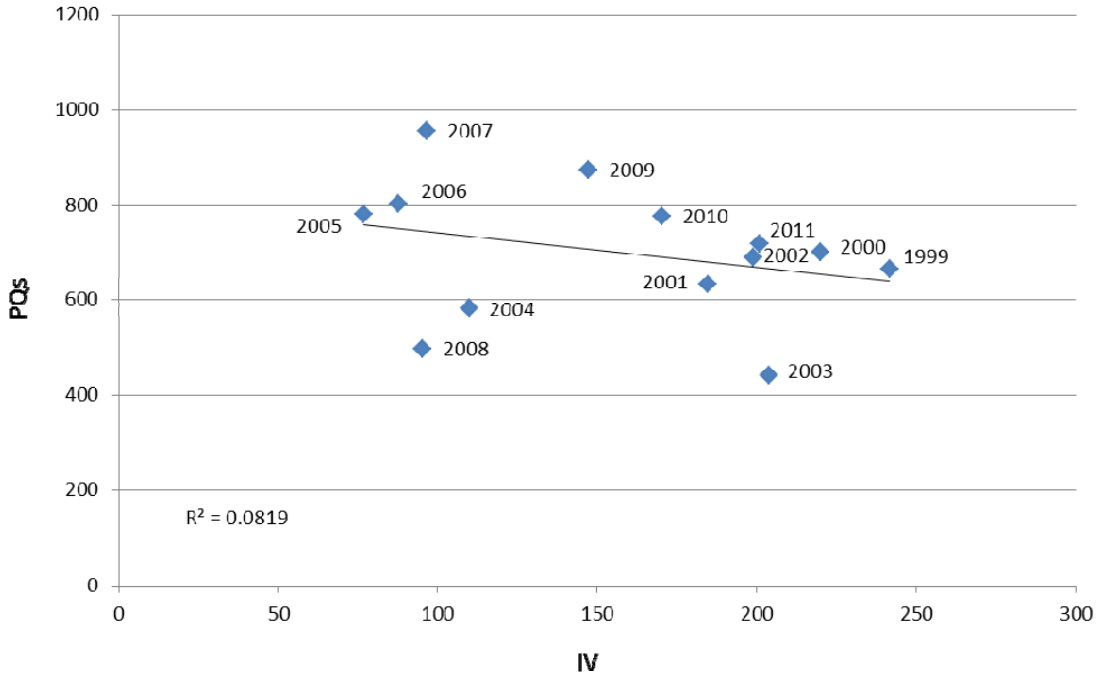
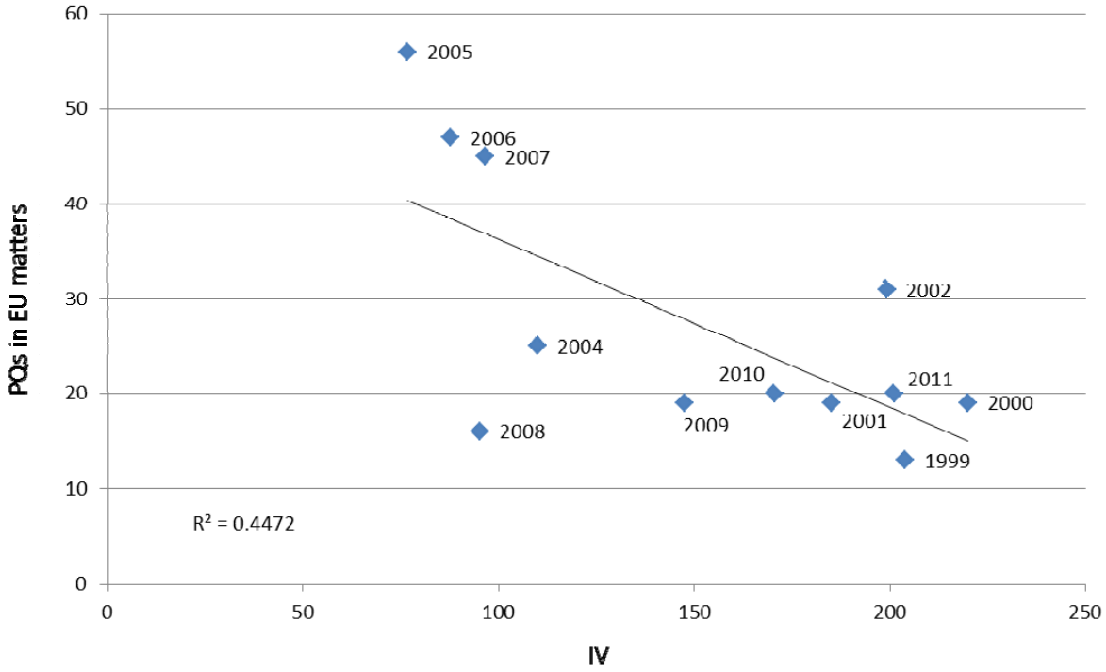


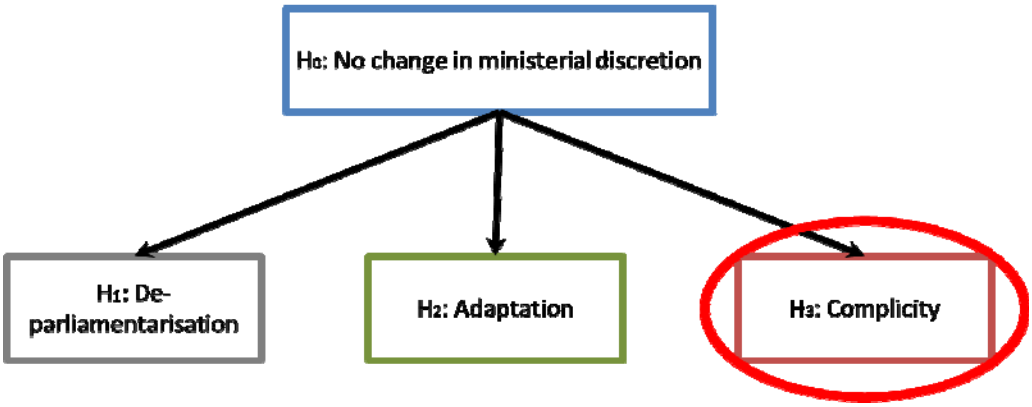

*Figure 95: Correlation between the IV and the use of PQs related to EU matters in the title, 2000-11 (N=12)*



Given this outline of trends on the IV and legislative scrutiny, **adaptation Hypothesis $H_2$ may be confirmed** with some caution. Parliament is somewhat reactive to the level of discretion in the Council and the risk for agency loss. However, parliamentary control instruments do not systematically serve parliamentary control of government in EU matters. In domestic matters, parliament has improved its control of government, not least owing to the varying risk of agency loss resulting from the increase of differences between the policy positions of parties in electoral programmes.

More convincing, however, is the fact that parliament has adjusted its EU scrutiny in the narrow sense. Some scholars brought up the argument that for different reasons, the reaction of parliament on European integration consist in lining up with government (Börzel and Sprungk, 2007; Norton, 1996a). The **domestic complicity Hypothesis $H_3$** thus suggested that in case of an external threat, parliament lines up with government and the two become accomplices. With regard to European integration, the aim is to defend the national interest. Parliamentary control in this case targets the European institutions rather than government (Figure 96).

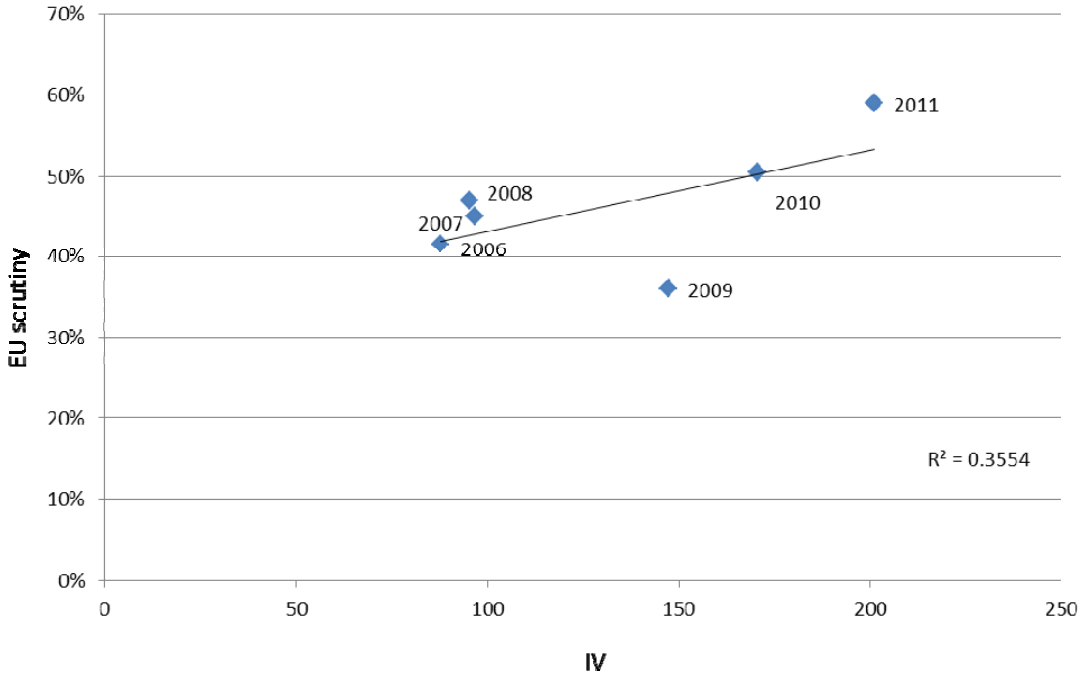
*Figure 96: Relationship between hypotheses - Hypothesis $H_3$*



EU related PQs were more often used when governmental discretion is low at EU level. This points to complicity between parliament and government in EU matters. Parliament did not exhaust its power over government regarding the specific control instruments. Their use for EU scrutiny remained limited and MPs did not systematically control governments with regard to EU matters. This illustrates that EU issues remained an "*also-ran*" on MPs agendas; they ranked low on their priority lists and were not regarded helpful to increase electoral gains.

Furthermore, an examination of EU scrutiny in the narrow sense in chapter six revealed that government successfully prevented parliament from stricter overview in EU matters. No mandating of government was established. Instead, major investments in subsidiarity and proportionality control have been made which showed effect as of 2006. It adds that government contributed and some ministerial departments made strategic use of the newly established parliamentary structures. In terms of the connection between IV, that is ministerial discretion including the risk of agency loss, and our third DV EU scrutiny, the correlation proves to be relatively strong ($R^2$=0.36) (Figure 97). Altogether, we must conclude that **Hypothesis $H_3$** is confirmed. Parliament and government were accomplices in EU matters rather than opponents in EU matters.

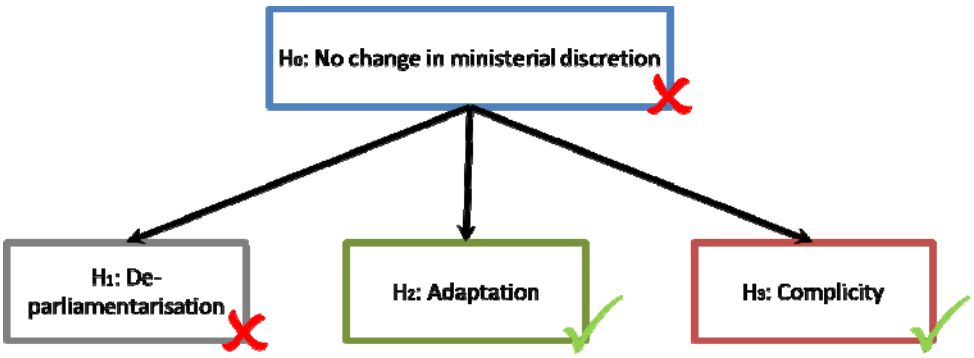
*Figure 97: Correlation between the IV and EU scrutiny, 2006-11 (N=6)*




The question of **causality** is necessarily a question of **timing**. The IV needs to precede its effect in appearance. Thus, one could argue that the IV shows effect only one or two years afterwards (König and Mäder, 2012a). In our case, we may argue that the risk of delegation is well known by parliament, as electoral programmes are published beforehand. Also, enlargement and its effects were predictable. Less conceivable is however the amount of acts the Council issues per year. Indeed, our correlation coefficients increase when we include a delay of two years in our calculation (IV – LSI: $R^2$=0.13, IV – PQs: $R^2$=0.11, IV – B-documents: $R^2$=0.39), except the one between our IV and PQs issued on EU matters which decreases slightly (IV – PQs EU: $R^2$=0.42). All relationships between IV and DVs keep their initiation direction which is positive for the legislative and EU scrutiny and negative for control instruments.

Summing up, we may confirm two out of our four hypotheses, conclude that ministerial discretion at EU level varied and parliament adapted. It supported government in EU matters (Figure 98).

*Figure 98: Evaluation of tested hypotheses*




After this outline of the main results of this study, the following sections put the more detailed findings in the context of the previous research on the Europeanisation of NPs. Hence, we review research and recent findings on the effects of European integration on parliamentary control of government and its three pillars: Legislative scrutiny, special control instruments and EU scrutiny. Each of the three sections shows how the analysis and results of this study relate to previous research.

## *7.2. Research on the Europeanisation of legislation and lawmaking*

A first research area regards the influence of European integration on domestic legislation and lawmaking. Scholars in this domain touch upon the question of "*Who governs?*" and analyse the extent to which domestic law is dominated by EU policy-making. Three research strands have to be mentioned in this context. Firstly, implementation research gives a first insight on how NPs may help a minister in negotiations at supranational level. Martin (2000) has made a major contribution in this respect. Secondly, scholars investigating the Europeanisation of legislation more closely examine the sources of laws using different indicators to measure the EU impact in laws (Brouard et al., 2012c). Thirdly, the more classical literature on legislative behaviour and lawmaking is essential for this thesis (Martin and Vanberg, 2011, 2004; Norton, 1998, 1996a, 1996b, 1993; Strøm, 1990). How the EU impacts the legislative procedures and actors has so far not received enough attention.

In this literature review, we first outline the findings of scholars examining the Europeanisation of legislation and lawmaking. Then, a brief evaluation of this literature is given. In the final part of this section, we present the qualities of this study in the context of those findings.

### 7.2.1. Research and recent findings on the Europeanisation of legislation and lawmaking

NPs transpose the policies agreed upon at European level with the adoption of respective law initiatives. Few of the studies on the Europeanisation of NPs touch upon the issue of

what is actually lost for NPs to the EU in terms of policy formation. Whereas European integration impacts parliamentary oversight in a more indirect manner, it exerts a direct influence on domestic legislation. Three strands of literature touch upon the question of EU lawmaking and its consequences at national level: Policy analysis, implementation research and, most recently, legislative studies.

**Policy analysis** typically comes in form of case studies and is concerned with uploading and downloading preferences between EU and domestic actors. Prominent in Europeanisation research, some policy areas are well investigated, such as environment (Börzel, 2009; Demmke and Unfried, 2001; Jordan, 2004; Knill and Liefferink, 2007), transport (Héritier et al., 2001; Kassim and Stevens, 2010; Knoflacher, 1996; Stevens, 2004), or social policy (Falkner, 2007; Randall, 2001; Saari and Kvist, 2007).

Closely connected to policy analysis is the second strand of literature which deals specifically with the **transposition of EU law** (Falkner and Holzleithner, 2008; Falkner et al., 2004; Siedentopf, 1989; Siedentopf and Ziller, 1989; Sverdrup, 2007). Its findings point to factors which influence compliance rates. Depending on the administrative capacity and the actual willingness of the actors concerned, track records of member states vary. Most concepts within Europeanisation research stem out of such studies, may it be the idea of a "*goodness of fit*" of national policies to EU goals, or the type of change being described as incremental and non-convergent between member states.

However, some scholars rightly point to differences between policy sectors at the moment of **implementation**.

> *"Significant cross-sector variation casts doubts on the generalizability of studies, which focus on transposition in one specific policy area […] No single sector can be considered representative for transposition of EU directives in general."* (Haverland et al., 2011, p. 286f).

Furthermore, while such works are particularly rich and detailed when it comes to specific policies and their contents, most of these studies, and this is of particular interest for the present thesis, adds little information on the development of domestic executive-legislative relations and parliamentary government (Brouard et al., 2012d, p. 7).

A valuable exception is the research done by **Martin** (Martin, 2000, p. 147ff) (2000, 147ff), who addresses the question of executive-legislative relations and their consequences for international agreements. She challenges the consensus of weakened NPs and links the question of successful implementation with the involvement of concerned actors in decision-making. Her findings point to the fact that parliamentary involvement in EU decision-making speeds up and facilitates transposition. Democracy and efficiency are thus not mutually exclusive.

The case of Denmark serves her as an example: Although reined by minority governments and controlled by a tight parliamentary oversight, Danish ministers are able to negotiate with a tough stance at EU level and later face few troubles at the implementation stage. Martin explains the lethargy of NPs up to the 1990s with a broad domestic consensus and few conflicts of interests regarding EU matters. NPs still exerted

a "*latent influence*" (Martin, 2000, p. 156). Only when governments stepped over the boundaries of delegation and failed to anticipate parliamentary preferences, NPs started to act.

Martin's research is contrasted and refined by more recent studies on transposition and compliance. Findings concerning the implication of parliamentary involvement in transposition show that delay is caused by other factors rather, than the parliamentary proceedings. While there are arguments that the involvement of fewer players should speed up transposition (Haverland, 2000; Tsebelis, 2002), the amount of actors involved is not a sufficient condition for fast transposition (Haverland et al., 2011). In short, transposition involving NPs so far proved not to prolong implementation.

Finally and most importantly, a third strand of literature sheds light on the **consequences of EU legislative activity for domestic legislation**. Legislative studies deal with the "*backbones of national policies*" (Töller, 2010, p. 434): National legislation and lawmaking. Measuring the size and scope of the European impact on legislative bodies across countries and policy fields is of utmost importance in order to get to grips with the question of who governs. Since Delors' prophecy[269] that by 1998 80% of national legislation would be influenced by the EU, this amount was taken for granted by practitioners as well as scholars of the EU, but it was never proven by research. Recent findings suggest that the amount of EU-linked legislation is much smaller than forecast and expected (Brouard et al., 2012d).

[269] "*In ten years 80% of the legislation related to economics, maybe also to taxes and social affairs, will be of Community origin.*" Jacques Delors on 15 June 1988, in a plenary debate in the European Parliament, Brussels, Bulletin No 2-367/157, 6 July 1988.

Depending on the policy field and the country under investigation, percentages of Europeanised national legislation come up to more than 80%. However, on average, the Europeanisation of legislation across policy fields is much lower: For the UK, this amount adds up to 16% (Page, 1998), for Germany different sources point to Europeanisation rates between 16.8% and 38.6% (König and Mäder, 2008; Töller, 2010, 2008). In Austria, Europeanised laws account for around 26% (Jenny and Müller, 2012), and in Denmark they amount to around 20% of the legislative body (Christensen, 2010). 13% to 19% of laws in France contain EU references (Brouard et al., 2012a, 2012b). And similarly, 12% to 13% of the Dutch (Bovens and Yesilkagit, 2010; Breeman and Timmermans, 2012, p. 159), Finnish (Wiberg and Raunio, 2012), and Swiss federal laws (Gava and Varone, 2012, p. 213) show European links. Luxembourgish Europeanised laws total to around 29% in the period between 1986 and 2006 (Dumont and Spreitzer, 2012).

Going into the details with the Europeanisation of lawmaking, some contributions in the edited book of Brouard et al. (2012c) discover that Europeanised laws are more often amended than other laws. This is the case for Spain, Italy, Germany and France for instance (Borghetto et al., 2012; Brouard et al., 2012a; König and Mäder, 2012b; Palau and Chaqués, 2012). Also in Luxembourg, such pattern was observed (Dumont and Spreitzer, 2012) and the authors attribute this finding to the fact that government uses its discretion at transposition stage and proposes texts which are close to its preferences.

Parliament in reaction scrutinizes those texts more intensively in order to shift the text towards the preferences of parliament.

In the same volume of Brouard et al., König and Mäder (2012a) investigate the causes for the Europeanisation of domestic legislation over all the nine countries. The development of EU policy-making as well as domestic factors prove to be important in determining the percentage of Europeanised domestic laws by area and in the period between 1987 to 2005. They draw on Martin and Vanberg (2004) when they suggest that the difference between policy positions of the coalition partners determines the risk of ministerial drift. Also, they include the cost of the legislative review in their explanatory model of Europeanised legislation based on the transaction cost approach and parliamentary involvement serves as indicator for the cost of legislative review. They find that the size of the coalition conflict together with the cost for legislative review explain the Europeanisation of domestic legislation, however, differences between policy fields remain considerable.

This significant body of literature on the Europeanisation of domestic legislation proposes that the EU has an influence on legislation on domestic level in terms of its sources. Research on lawmaking, that is **legislative behaviour at domestic level** complements this observation. The impact of parliaments on laws is disputed by many authors, seen that most bill initiatives are introduced by government and nearly the totality of those again are adopted by legislatures (Rasch and Tsebelis, 2011, p. 270ff). However, some scholars suggest that parliaments reveal to be "*of greater significance to*

*policy outcomes than scholars have generally appreciated"* (Martin and Vanberg, 2011, p. 5).

The legislative process may serve to control the coalition partner for agency drift, as Martin and Vanberg (2011) argue. Parliaments, amongst other, serve parties in government to control their ministers, most importantly through lawmaking. This legislative scrutiny is necessary because the discretion a minister enjoys due to his/her more general information advantage. Depending on the likelihood of scrutiny, and its costs for the minister (drawing on his/her reputation and the possible impact on the relationship to the coalition partners), a minister will introduce bills according to his/her preferences, thus increasing the importance of preference divergence between coalition partners. Scrutiny and amendment of bills will therefore depend on the respective preference divergence between coalition partners (ibid. 2011, p. 23f).

The conclusion that legislatures serve to resolve cabinet tension is certainly extending the view on the functions of parliaments. Similar to other authors (Mattson and Strøm, 2004; Strøm, 1990), Martin and Vanberg point to the importance of committees in retrieving information, creating expertise and modify bill initiatives. The Luxembourgish parliament ranks third out of 16 parliaments on Martin and Vanberg's "*Policy Strength Score*", which is based on eight variables on committee strength and authority to modify government bills.[270] This implies that they consider the Chamber as strong legislature

[270] Those variables are: The number of legislative committees, the correspondence to ministerial jurisdictions, the size of committees, binding plenary debate before committee stage, the right to compel witnesses and documents, rewriting authority, the urgency procedure, and the Guillotine procedure.

well equipped to allow the governing parties to monitor the coalition partners' ministers (Martin and Vanberg, 2011, p. 42ff).

Subsequently, they assume that bills dividing the coalition partners attract more attention in the legislative process than other bills. Attention in this case means scrutiny and is measured by the length of the legislative process. Martin and Vanberg discover that strong legislatures spend more time on bills: In strong parliaments a bill initiative takes longer to go through the legislative process than in weak parliaments (average lifespan of 105 to 75 days respectively). In order to account for the content of the scrutiny, Martin and Vanberg examine the amendment of bill initiatives. They find that on average 30% of sub-articles are changed in strong as well as in weak legislatures. The more time bills spend in parliament the greater the divisiveness of the policy.

### 7.2.2. Evaluating research on the Europeanisation of legislation and lawmaking

After the presentation of findings of previous research in the field, we shall point to two major problems of research on the Europeanisation of legislation and lawmaking. The first shortcoming regards measurement questions in comparative research on the sources of domestic law. The second point concerns rather what has not been done yet instead of what has been done in legislative studies.

A closer look at the figures mentioned concerning the Europeanisation of domestic legislation unearths **measurement problems**: There is no general agreement on how to operationalise the Europeanisation of legislation (Göler, 2009; König and Mäder, 2009;

Raunio and Wiberg, 2010, p. 77f; Töller, 2010, 2008). Whereas this is less crucial for single case studies, it is especially important for comparative research to utilise tools applicable and meaningful in more than one national setting. Discrepancies are hardly avoidable given financial and temporal limits (Müller et al., 2010).

The choice of the research design heavily influences results. The figures scholars of the Europeanisation of national legislation came up with so far are not comparable for three reasons: Firstly, the units of analysis differ. While some scholars take into account secondary legislation, others account for primary legislation too. Different EU instruments imply different impacts. Hard law, such as regulations and directives leave their footprint in the national legislation. Directives especially occupy NPs with transposition and implementation. Policy areas of positive integration are built to correct markets and distinguish from negative integration areas, which establish markets. This is important because member states differ in their practices of implementation. If we aim at evaluating who governs, we need to take into account all different forms of legal acts.

Some authors suggest summing up national legislation and directly applicable EU law, such as regulations, to calculate the Europeanisation of domestic regulation (Hoppe, 2009, p. 168). The same could be stated about decisions of the European Court of Justice (ECJ), which are directly binding for all member states. Even more, as Töller (2010, p. 430) points out, non-decisions could also be caused by the European integration. However, the EU preventing the drafting of national legislation and a resulting non-decision increases the relative share of Europeanised decisions. It does not lead to an

underestimation of the effect of European integration. Quite the contrary and we argue that taking into account non-decisions is therefore irrelevant for the purpose of measuring the European impact on national legislation.

Secondly, definitions of what comprises an Europeanised legislative act are not the same in these empirical studies. For the UK, only legal acts transposing a directive were taken into account, whereas for Germany, government reasoning in the explanatory note defines an Europeanised law. Brouard and colleagues (2012d) count indirect influences within the text bodies of laws as European impulse defining a Europeanised legal act. In the first case, Europeanisation of legislation equals the amount of implementing legislation. In the last case, also indirect effects are taken into account in order to defend against criticism of underestimating the impact.

Thirdly, policy fields are not independent from each other. Most policy areas have some impact on the national budget and as such, eventually emanate a European impact on other fields not directly concerned by European integration (for examples see Töller (2010, p. 431)).

Apart from questions concerning the comparability of findings, some authors argue for introducing qualitative indicators on the importance of the respective legislative acts. It might be that most of the EU impact concerns technical regulations rather than policy-making essential to domestic politics. For example, content and monetary implications account for the importance of a law. Again, findings are policy specific and Europeanised

important laws amount to one fourth to one third of laws causing costs in Germany, whereas Europeanised laws only represent around 15% among all the identified "*key laws*" (König and Mäder, 2008, p. 450ff).

Apart from measurement issues concerning the question "*Who governs?*" in the EU member states, legislative studies so far did not give a satisfying overview of the **impact of European integration on domestic lawmaking**. We know little about if and how domestic legislative procedures changed regarding EU matters in the last twenty years. This is probably due to the fact that it is difficult to isolate the cause of institutional and procedural developments at domestic level. The contributions in Brouard and colleagues (2012c) make a first attempt to get a closer insight. The finding that Europeanised laws are more often amended in some legislatures for instance is not a final result and requires further investigation.

Another valuable exception is the contribution of Spreitzer and Timmermans (2014) on the link between consensus politics within the parliaments of the Benelux-countries and European integration. Their study shows that differences between domestic settings do not allow drawing general conclusions on the question so far. For Luxembourg, the trend towards more unanimity and the inclusion of the opposition in the committee chair allocation shows that consensus has increased. European integration may help such consensus to develop.

In the next section the response of this thesis on those drawbacks of research on the Europeanisation of domestic legislation and lawmaking is highlighted. It takes stock of the specific added value of this thesis to the research area.

### 7.2.3. Originality and contribution of this thesis to research on the Europeanisation of domestic legislation and lawmaking

The contribution of this thesis lies in its holistic approach. It combines indicators for the Europeanisation of legislation as well as lawmaking and affords an in-depth view on legislative scrutiny. Within this study, the problem of biasedness in single-sector policy analysis is avoided through an investigation of the whole population of laws adopted between 1999 and 2011. We offer a full account of the Europeanisation of legislation and lawmaking in the period of investigation. In the analysis of the sources of laws, we refrained however from introducing yet another measure for the Europeanisation of legislation. Instead, this study clearly aims at improving the possibilities for comparative research by focussing on the most basic concept, that is laws transposing directives as opposed to laws of other origin.

We not only included quantitative indicators for the evaluation of the Europeanisation of lawmaking, but a qualitative analysis too. What is more, this contribution attempts an investigation of the most pertinent fora and actors within parliament, be it the parliamentary committees, or public sessions. At the same time, we take into account party political factors when we evaluate the risk for agency loss by the differences of policy positions expressed in electoral programmes.

Five important insights could be added regarding the Europeanisation of legislation and lawmaking. Firstly, the basic assumption of an ever growing influence of **EU policy-making** on domestic legislation was qualified by the diminishing number of EU legislative acts. Secondly, we must remain conscious that **enlargement** has had a major impact on the say of single ministers at EU level. This study showed that such a decrease in discretion in the Council of the EU provokes collaboration between parliament and government at domestic level for the defence of a national interest. Ministers make use of new opportunities offered to NPs at domestic level. Although not restricted by a mandate, they may still use the parliament in order to push towards their position in EU level negotiations. The possibility of doing so is not restricted by the legislature. The control of government was not increased whereas the European institutions now are subject to increased overview. This finding fits to what Martin (2000) brought up: Strong legislatures may help government negotiating at supranational level.

Thirdly, while **laws transposing directives** again proved to be more often amended than other laws, this thesis shed light on the causes of this result. Not the scrutiny of government accounted for more amendments in this case, but the differences in the quality of law proposals. Laws transposing directives were often poorly drafted, be it because of the complexity of the matter at stake, be it because of the low priority transposition still had in the respective ministries in charge (compare with section 4.1).

Fourthly, confirming Haverland et al. (2011), the inclusion of parliament in transposition was not the **reason for delay**. Rather, the argument of speed serves as reason drawn upon by government mainly to further exclude MPs from transposition. Instead, the late introduction of law initiatives for transposition by government accounted for the transposition deficit. Sometimes the deadline has already passed when parliament only received the bill. What is more, the involvement of the State Council extends the length of the legislative procedure. Laws transposing a directive and other laws generally spend the same amount of time in parliament.

Fifth and finally, this finding has consequences on the use of the **length of the legislative procedure** as an indicator for scrutiny strength. Parliament is not the only actor influencing the duration of the process. Conclusions drawn on the basis of such indicator alone, as Martin and Vanberg (2011) for instance do, have to be taken with caution. This study thus proposed a Legislative scrutiny index (LSI), based on the share of amendments and not unanimously adopted bills adding to the length of the legislative process. This indicator for legislative scrutiny established in the previous section 7.1.2 could be investigated in comparative research in order to see whether the findings on the Chamber are echoed in other assemblies too.

## *7.3. Research on parliamentary control instruments and EU matters*

The second literature strand to which this thesis contributes is research on parliamentary control instruments and their value for the parliamentary control of EU matters. More particularly, different research fields deal with parliamentary questions (PQs) as

instruments of parliamentary control, the budgetary procedure, motions of censure and enquiry committees. As we have done in the review of research on the Europeanisation of legislation and lawmaking (compare with section 7.2), we firstly outline the findings of scholars in the different areas and secondly give a critical evaluation of this research. In the final part, we outline the contribution of the present thesis to the findings of previous research.

### 7.3.1. Research and recent findings on parliamentary control instruments and EU matters

Members of parliament may ask ministers to respond to specific investigations by means of PQs. "*All democratic parliaments have some procedures to allow representatives to put questions to ministers.*" (Russo and Wiberg, 2010, p. 215), and so does the Luxembourgish Chamber of Deputies where every MP has the right to pose PQs to the government. Russo and Wiberg (2010) identify 14 different functions questions may exercise, starting with "*to request information*" and ending with "*to create elements of excitement and drama*" (ibid. 2010, p. 217f). In their detailed account of the use of PQs, Rozenberg and Martin (2011, pp. 394–404) divide those multiple functions into two categories: Based on case studies,[271] they summarize that PQs serve to study legislators as well as legislatures, thus distinguishing between the meaning of PQs at micro- and a macro-level.

[271] The case studies treat the national parliaments (Lower Chambers) of Belgium (Dandoy, 2011), Canada (Blidook and Kerby, 2011), Italy (Russo, 2011), Norway (Rasch, 2011), Switzerland (Bailer, 2011) and UK (Saalfeld, 2011). Compare with in the special issue of the Journal of Legislative Studies (Vol.17, No.3, September 2011).

At micro-level, PQs offer a measure for the behaviour and preferences of individual MPs, relatively unbiased from party discipline. Research on PQs gives an insight on the motivation of MPs, be it office-, vote- or policy-seeking. PQs enable opposition parties to put points on the agenda, which majority wanted to avoid or which are less in their interest. As such, they may serve MPs and political factions in parliament to profile themselves and citizens as well as media may follow those controversies at the parliamentary stage (Norton, 1993; Rozenberg and Martin, 2011).

On the macro-level, PQs give an indication of the role of parliament in the political system. PQs serve to hold government accountable. It fits to the finding of Russo and Wiberg (2010, p. 215), that PQs become less significant if government holds a broad majority in parliament, when Rozenberg and Martin (2011, p. 400) conclude that PQs become less attractive as an instrument in legislatures of high policy-making influence. In a principal agent perspective, PQs serve to counterbalance information asymmetry and agency loss. Compared to 16 European countries, the Luxembourgish parliament is well equipped with questioning tools. Similar to PQs in the Belgian federal assemblies, their potential to obtain information is however considered rather low, not least because of the rather long time span of one month the minister may take to respond to written PQs. Instead, PQs may be better apt to push a topic on the agenda and provoke debate (Dumont and De Winter, 2003, p. 487f; Russo and Wiberg, 2010, p. 223).

Most studies on PQs are based on a content analysis and the investigation of PQs with regard to their EU-relatedness is not new. Most importantly, Bergman and Damgaard

(2000) have introduced PQs as one indicator for parliamentary control in EU matters in their edited volume on delegation and accountability in European integration. Their case studies treat three Nordic EU member states: Denmark, Finland and Sweden, and evaluate the use of PQs, interpellations, plenary debates, specialised committees etc. in EU matters. Damgaard and Nørgaard demonstrate in their contribution to the volume how the EU committee of the Folketinget increased questioning ministers between 1972/73 and 1997/98 (Damgaard and Nørgaard, 2000, p. 45). For Finland, we learn that an EU-link exists in around 10% of the PQs asked between 1991 and 1998 in the Eduskunta (Raunio and Wiberg, 2000a, p. 71f). Raunio and Wiberg measure this EU link by searching for the keyword "EU-" in the text bodies of PQs. For the Swedish Riksdag, Hegeland and Mattson (2000, p. 91) find that 10 to 13% of the PQs dealt with EU matters in four subsequent parliamentary years between 1994/5 and 1997/8. It is not mentioned how exactly the authors measure "*EU-relatedness*" in the Swedish case.

Ten years later, Raunio and Wiberg (2010) still propose that research on EU scrutiny "*...must extend beyond European Affairs Committees*". They assume the share of PQs on EU matters to be low for the Finnish case, as information on EU matters may be retrieved from other sources more easily and the interest of citizens in European integration is rather low and thus not important for re-election (Raunio and Wiberg, 2010, p. 82). Their hypotheses can be confirmed with 3% of written PQs and 8% of oral PQs issued between 1995 and 2007 dealing with EU matters (Raunio and Wiberg, 2010, p. 88). Those percentages are below the 10% of PQs on EU matters found between 1991 and 1998.

After EU accession in 1995, the interest of MPs in EU matters seems to have decreased in Finland.

Apart from PQs, the **budgetary procedure** is in the focus of attention of scholars of NPs. Research in this area of legislative budgeting is rather scarce when it comes to the parliaments of the EU member states individually or in comparative perspective. The field is however expected to grow, seen the most recent developments at European level with regards to the EU economic governance (compare with the last section in this thesis on the outlook on future research).

Some scholars already made a welcome exception to this rule. Leston-Bandeira (1999) shows for the Portuguese parliament that the budgetary procedure is of major importance for the scrutiny of government. Budgetary control has been rationalised and parliamentary influence strengthened. In comparative perspective, **Wehner's** (2010) contribution on "*Legislatures and the budget process*" establishes an index of legislative budget institutions. The index is based upon two sub-indexes on powers and organisation. In total, six variables are considered for their calculation: Amendment powers, reversionary budgets and executive flexibility comprise the formal legislative authority (powers sub-index). Time, committees and research capacity constitute the organisational capacity of a legislature (organisation sub-index).

Based on this index, Wehner finds the parliaments of EU member states and among them the Chamber in the **middle-field of the ranking**. Luxembourg obtains a score of 50 on

this index, which ranges between 0 and 100. It is judged especially weak when it comes to its research capacities and the flexibility of executive during implementation (Wehner, 2010, p. 54). Wehner clearly states that assumptions on the strength and weakness of legislatures are misplaced if budgetary procedures are not taken into account (ibid., p. 58). The variation among parliaments suggests that budgetary control is a question of resources as well as institutional independence from government. If parliaments have an impact on spending, they may push towards spending rather than austerity. Wehner concludes that institutional features may have large effect on the establishment of a legislature that is "*both powerful as well as fiscally responsible*" (ibid., p. 141).

Apart from PQs and budgetary control, we have dealt with other rare instruments of parliamentary control in our empirical chapter five. Those instruments were motions of censure and other motions, as well as enquiry committees. Regarding **motions of censure**, some scholars investigate government formation and resignation and parliamentary involvement. De Winter (1995) puts Luxembourg in the context of Western European political systems. He rightly claims that Luxembourg has no formal investiture vote on a new government, but an informal practice to confirm government after the outline of the government programme (see also Reimen and Krecké (1999, p. 47ff)). Luxembourg thus ranges among the deviant cases when it comes to the type of government installed and the formal rules on investiture votes (Martin et al., 2012). With regard to government resignation, Luxembourg represents a case where government would resign after the defeat on a major bill but rarely did so, although a simple majority would suffice (De Winter, 1995).

Finally, **Enquiry committees** may be installed in almost all parliaments (Pelizzo and Stapenhurst, 2004, p. 11). Little research has been done on the reasons for their establishment and the consequences of their work. One valuable exception is provided by Syrier (2013), who has examined the European Parliament's investigative function to outbalance "*accountability deficits*" by enquiry committees amongst others. Their use remains however limited in the EP and it may thus be concluded that their potential is not fully exhausted.

### 7.3.2. Evaluating research on parliamentary control instruments and EU matters

With some exceptions, research on parliamentary control instruments which are of less common use is scarce. Most research has been done on **parliamentary questions (PQs)**, not least regarding their use in EU matters. Similar to the research on the Europeanisation of legislation, measurement problems exist with regard to the Europeanisation of PQs. For instance, most studies do not outline the method of their investigation in clear terms. The comparability of findings is thus not guaranteed. In terms of case selection, again most research has been done on the Nordic parliaments, especially so regarding the question of their use in EU matters.

The investigation of **budgetary procedures** would benefit from in-depth investigations of single cases in order to increase our knowledge in how far the EU impacts on parliamentary financial oversight at domestic level. Subsequently, comparative research should shed light on the patterns across the EU. Similarly, **enquiry committees** and the

influence of parliament on **government formation and resignation** should be investigated further, not least with regard to the question whether the EU plays a role in this area of control instruments, as a subject matter or in formal terms.

### 7.3.3. Originality and contribution of this thesis to research on parliamentary control instruments and EU matters

The findings of this present study fit well into the general tenor of research on PQs in qualitative as well as quantitative terms. PQs prove not to be the favourite instrument of MPs when it comes to European matters. Or put the other way round: European matters are no preferred topic of MPs. What is more, PQs serve a plenitude of functions, and signalling activity to the electorate is one of the more common ones. This thesis is innovative when it comes to propose different measures for the investigation of PQs and their EU link, giving a varying degree of insight in the content and breath in terms of period covered.

Furthermore, this study has investigated the Luxembourgish budget procedure regarding EU influence and the control of government in EU matters. To the knowledge of the author, no such enterprise has been attempted before. Similar may be stated about the analysis of enquiry committees and motions of censure.

## *7.4. Research on the parliamentary control of EU matters*

A third branch of literature is concerned with EU scrutiny in a more narrow sense. Scholars in this area may well be described as the pioneers of research concerned with NPs in the EU. Their activity guided the first institutional adaptations of NPs with regard to EU matters. As of the 1990s, political scientists were thus challenged to investigate and explain the variation of EU control mechanisms established in NPs. Most recently, authors of EU scrutiny are concerned with the consequences of the Lisbon Treaty for NPs in the EU. The next pages outline the development and findings of the field. Thereafter, the results are critically examined in order to evaluate the originality and added value of the present thesis.

### 7.4.1. Research and recent findings on the parliamentary control of EU matters

The large body of literature concerned with the scrutiny of EU affairs has developed in three waves. In a first period, scholars discovered the **institutional adaptation processes** within NPs (Adamcová, 2004; Maurer and Wessels, 2001a, 2001b; Office of the Hungarian National Assembly, 2004; Posch, 2004; Szalay, 2005; Vehar, 2004; Záluszký, 2004). The findings point to the fact that although some formal givens of EACs might be similar, their functioning and nature varies between member states (Kiiver, 2006, p. 43ff).

Scrutiny differs between legislatures in terms of working style, nature and timing. Regarding the working style, in some parliaments it is EACs which deal with European affairs only (Jacobs et al., 2007, p. 332). Other NPs engage specialized committees or the plenary with scrutiny. The nature of scrutiny, regarding the relationship between

parliament and government, might be supportive or instructive and controlling. Finally, scrutiny might be applied *ex-ante*, before the bargain has taken place in the Council, or *ex-post*, when ministers reached an agreement.

The main achievement of these studies lies in the evaluation of the strength of the respective EU scrutiny settings, with mostly the Danish, Austrian, Swedish and Finnish parliaments ranging among the most powerful parliaments (Bergman, 2000b; Maurer and Wessels, 2001a). The Luxembourgish Chamber of Deputies, we learn from this literature, maintains a rather "*low profile*" when it comes to the scrutiny of EU affairs: The respective procedures, after the entering into force of the Amsterdam Treaty in 1999, rest informal and ineffective, as some scholars claim (Bossaert, 2001, p. 311). Not least its size, but also owing to the specific Luxembourgish political culture make the parliament a "*slow adapter*" (Maurer and Wessels, 2001b, p. 462f).

Research on the **actual use of scrutiny settings** have challenged the power rankings based on institutional givens. A second strand of literature focuses on behavioural aspects. The formal organisation of scrutiny does not inform about the actual scrutiny practice. Formal scrutiny powers are only the necessary condition for legislative oversight. Scholars realised that some of the strongest legislatures in terms of EU scrutiny did not live up to their granted powers. Instead, those legislatures chose not to bind ministers tightly in Council negotiations.

Two reasons were found for this strategy: Firstly, legislatures are confronted with the so-called "*scrutiny dilemma*" (Auel and Benz, 2006; Auel, 2005; Benz, 2004). Especially when it comes to *ex-ante* instruction of ministers for negotiating at EU level, NPs are reluctant to impose too strict instructions. A tight mandating might block decisions in the Council of the EU and/or lead to suboptimal negotiation results. Or as Bergman puts it: *"Even the most rigid mandate must be open for reconsideration."* (1997, p. 379). Parliaments are confronted with a trade-off between control/suboptimal negotiation results and discretion/agency loss. This is why some of the mandating parliaments, such as the Austrian Nationalrat or the Danish Folketinget, do not exploit their full potential of EU scrutiny.

Secondly, **party politics** determine the way how legislatures control governments in EU affairs (Norton, 1996a, p. 192ff). When the majority within a parliament does not challenge government, the two institutions stop acting autonomously. This so-called "*Monism*", a more general phenomenon in parliamentary government, appears when parties are the dividing line, instead of institutions (Holzhacker, 2007a, p. 145). European integration was found to further increase the fusion of executive and legislatures, as cooperation with the government was necessary in order to carry out effective scrutiny in EU matters. Information asymmetries required parliament to draw on government if it wished to more closely follow EU level actualities (Börzel and Sprungk, 2007).

In a third wave, research on EU scrutiny systems started comparing the embeddedness within the national context and how **variations of these structures** could be explained.

Based on studies of comparative politics, some scholars drew on the ambitious aim of going beyond rankings and classifications. Instead of investigating their consequences, **EU scrutiny settings became the DV** in the analysis. They frame the strength of EU scrutiny path-dependent and bound to parliaments' traditions and contexts.

**Bergman** (2000b, 1997) was among the first to search for the causes for the specific form of parliamentary oversight structures in EU matters. His model was based upon three strands of theoretical literature: Cultural theory, Institutionalism and Rational Choice theory. Political culture, the party system, public opinion, the type of government, Federalism and accession timing were found to matter (Bergman, 1997). Apart from Bergman, Pahre (1997) approached the explanation of EU scrutiny as a two-level game based on party politics. A couple of years later, Rozenberg (2002) discovered that satisfaction with democracy plays a role in determining EU scrutiny strength. Furthermore, Saalfeld (2005) pointed to the importance of the type of government.

**Raunio** (Raunio and Wiberg, 2000b; Raunio, 2005b) framed the strength of EU scrutiny in the 15 old EU member states within four explanatory variables: The political culture, the party system, the general relationship between executive and legislature, and the public opinion towards European integration. Especially the latter two variables were considered most important in explaining the strength of a legislature in EU scrutiny. His findings were threefold: Firstly, the introduction of EACs did not represent a fundamental system change within NPs. The main power relations within legislatures, represented by party leadership as key veto-players, remained the same.

Secondly, **attitudes of citizens** concerning European integration add to determine the EU scrutiny arrangement: The more Euro-sceptic the population, the stronger parliamentary control in EU affairs (Raunio, 2005b, p. 34). Thirdly, findings concerning the relevance of political culture, operationalised as the share of non-Catholics/non-Orthodox population, for determining scrutiny models turned out to be mixed. The relevance of political culture, operationalised as the share of non-catholic/orthodox population, remained inconclusive for determining scrutiny models.

Finally, and not least, a general political culture variable is certainly less insightful for the subject matter than the **party system**, generally acknowledged among comparative scholars as the most important factor influencing the relationship between government and parliament. Majority rules and minority rights are essential principles within democracies. As Holzhacker explains,

> *"one of the reasons that national parliamentary scrutiny is so important for increasing the legitimacy and participation in the process of European decision-making is that it is the primary institutional source for receiving input from opposition parties"* (Holzhacker, 2007a, p. 144).

EACs offer opportunity for criticising the governmental line in EU affairs, for both, opposition and governmental backbenchers (Ladrech, 2010, p. 86f).

More recently, further attempts were made to explain EU scrutiny settings in the narrow sense. Hamerly (2007) added the **timing of accession** as important variable in the explanatory model for 25 member states. And indeed, Spreitzer and Pigeonnier (2012)

find that accession timing and political culture to explain EU scrutiny strength of all EU member states.

Finally, Karlas (2011) tried to explain why the parliamentary control of EU affairs varies across the ten Central and Eastern European EU member states despite the same timing of their EU accession. He considered four explanatory factors: Public Euro-scepticism, party Euro-scepticism, the general power of the parliament, and the frequency of minority governments. His analysis revealed that the variation of EU scrutiny can be explained by the varying **power of parliaments**, while the timing of EU accession might explain a basic similarity of the Central and Eastern Europe (CEE) control systems.

In his follow-up article, Karlas (2012) entered parliament internal and party system features into the analysis on the EU-27 member states. His explanatory model of EU scrutiny strength was based on seven explanatory factors: Party system fragmentation, party Euro-scepticism, public Euro-scepticism, the government type (minority, coalition government), the strength of the committee system and the year of accession. Committee strength and party system fragmentation reveal to best explain EU scrutiny strength. Karlas' main contribution lies in a complex operationalisation of EU scrutiny strength, based on behavioural and structural indicators.

Those different attempts for explanation result in different rankings and attributions of EU scrutiny strength. The Luxembourgish Chamber of Deputies thoroughly holds places

at the bottom end of all of these rankings. Its EU scrutiny strength is evaluated to be very low compared to the other NPs in the EU (Table 28).

*Table 28: The Luxembourgish parliament in the ranking of explanatory models of scrutiny strength*

| *Author* | *Ranking* |
|---|---|
| *Bergman (2000b)* | *12 (lowest scrutiny strength: 15)* |
| *Raunio (2005b)* | *0.17 (highest scrutiny strength: 0.83)* |
| *Hamerly (2007)* | *1 (highest scrutiny strength: 4)* |
| *Karlas (2012)* | *20 (lowest scrutiny strength: 22)* |

Most recently, scholars of NPs in the EU are intrigued to investigate the **consequences of the Lisbon Treaty's provisions on subsidiarity and proportionality control** (Buzogány and Stuchlik, 2011; Jančić, 2012; Kiiver, 2012; Raunio, 2011). They conclude that the provisions so far have had rather modest effect on the democratic legitimacy of the EU. Not least, its practical application has been very critically judged as "*bureaucratisation*" rather than "*democratisation*" of the EU (Christiansen et al., 2013). Christiansen and colleagues rightly state that the EWM requires a "*vertical"* coordination between NPs, if the desired outcome is having an impact on EU policy-making. Similarly, an increase in administrative resources was required, given the quantity of EU documents to screen.

Christiansen and colleagues develop three propositions regarding which NPs will wish to use the EWM: Firstly, parliaments with strong mandating powers are less likely to focus on the EWM, whereas "*weak"* second chambers are assumed to use the EWM as an opportunity to increase their role. Secondly, resources are important for parliamentary reform and smaller as well as poorer countries are less likely to act. Finally, the

executive-legislative relationship might hinder adaptation, if majority government and strong party discipline are in place (Christiansen et al., 2013, p. 8). NPs staff is supposed to preselect important EU documents and coordinate increasingly among each other. Thus, Christiansen and his colleagues expect an increase in the number of NPs' staff concerned with the EWM (Christiansen et al., 2013, p. 14). Bureaucratisation is due to the fact that the administration preselects EU documents of importance to subsidiarity and proportionality control. Depending on the traditional role of parliamentary administration, staff concerned with EU matters may be servicing the political decision-maker only, or steer the process.

Summing up, researches have been very actively following the possibilities and activities of NPs in the EU. The following section will critically review the development and findings of research on EU scrutiny.

### 7.4.2. Evaluating research on EU scrutiny

Altogether, research on parliamentary oversight of EU affairs so far has brought us valuable insights on executive-legislative relations and has revealed possible reasons for institutionalisation. Three points of criticism must be added though: Firstly, and related to Raunio and Wiberg (2010), many authors frame EU scrutiny in diverging and **narrow sense**. When we consider EU scrutiny as the control of government in EU related matters, why should conventional scrutiny instruments we know from comparative politics not apply? Scrutiny is not only a question of NPs mandating government in international negotiations or not.

In comparative politics, parliamentary control may be exerted via questions, interpellations, enquiry committees, budgetary decisions and the committee work more generally. Strøm (1990, p. 70ff) for instance measures parliamentary control based on committee features. He argues that the higher the number of committees, fixed areas of specialisation, permanence, their correspondence to ministerial departments and the proportional distribution of committee chairs increase opposition influence and parliamentary control. Multiple committee membership of MPs on the contrary decreases their specialisation and makes members less apt to influence a legislative proposal.

A second point of criticism, which is related to the narrow concept of EU scrutiny applied in many studies, concerns the **conclusions** drawn after the investigation of EU scrutiny. Evaluations of the strength of parliaments vis-à-vis their governments are premature, when only looking at EU scrutiny systems. Policy-making does not only consist in decision-making. Whilst parliamentary control on EU matters concerns policy formation and adoption, which is taken at supranational level and without the direct participation of NPs, we argue that the concentration of the focus on decision-making leads to an overestimation of executive power.

On the one hand, and contrary to what happens at the national level, single governments alone are not master of the agenda at Council meetings specifically and at European level more generally. While agenda setting is an important instrument of executive power at national level, at EU level it is done by the 28 member states together with a major say of

the country holding the presidency at the time (Laver and Shepsle, 1994, p. 294). We thus propose taking into account both dimensions of parliament-government relations: Scrutiny as well as lawmaking. It is certainly useful to know what factors determine scrutiny strength at domestic level, knowledge about parliamentary oversight in EU matters tells us little about the general strength of NPs vis-à-vis their governments.

Research has, until now, only partly assessed executive-legislative relations when looking at EU scrutiny mechanisms. In order to evaluate the strength of a legislature, in addition to decision-making, one further step in the policy cycle has to be taken into account: The transposition of EU legislation into domestic law. While NPs are excluded from negotiations in the Council of the EU, the implementation stage is where they step in the game again.

Apart from the Council, it is the European Commission which proposes legislative acts and the EP which acts as co-legislator (at least since the Lisbon Treaty). The more actors involved at EU level, the less leverage a government has. Apart from being co-legislator, the EP as well as the Commission proved being allies to domestic legislators and willing to foster transparency and the opening of the decision-making process to NPs and the broader public. On the other hand, and not less important, governments' negotiation power does depend on how credible they are able to threaten the use of a veto as well as to give commitments. The early inclusion of NPs in the formulation of the national position and a strong mandating system can be a "*democratic asset*" (Martin, 2000, p. 190). It improves the credibility of government being able to implement to what it

commits to and with implementation, NPs enter the game again (Laursen, 2005; Martin, 2000).

The third point of criticism on research done so far on EU scrutiny is a **methodological** one. Most studies do not link findings on EU induced change in executive-legislative relations to their actual cause: EU decision-making. Depending on the policy field, the competence-mix between EU and domestic institutions differ and as such are domestic policy sectors unequally concerned by an EU impulse. Whereas for example 58% of Luxembourgish laws in the area of Banking and Finance and 52% in the area of Civil rights refer to EU policy-making, sectors such as Public lands/Water management (2.7%), Immigration (4.2%) or Housing (7.7%) are least concerned by European integration (Dumont and Spreitzer, 2012). Actors concerned with different policy fields are not exposed in the same way to European integration procedures.

More importantly, NPs are not unitary actors. Scholars looking on the impact of the EU on NPs mostly deal with EU committees. Other actors within the parliament largely escaped scholarly attention up to now. Depending on the internal procedures within parliament, they might however be concerned by the growing legislative activity at EU level. Referring to the findings of Europeanisation of legislation by policy sector some committees, such as the Economic committee for instance, face a large amount of policy initiatives stemming from the EU, while other committees, such as the Defence committee, are much less concerned by European integration. Findings concerned with the impact of EU policy-making on national legislation have to be taken into account by

scholars of domestic legislatures and further conclusions have to be drawn on how the different fora within NPs adapt to such impact. What is more, we know little about the kind of EU legislative initiatives with regard to domestic legislative activities. Does European lawmaking substitute or complement national lawmaking? Do parliaments just continue law production in other fields, and hence succeed in "*better regulation*"?

According to the abdication thesis, areas of exclusive EU competence are the ones where governments enjoy the highest agency drift, whereas areas of shared competence only partly escape from national parliaments' attention. Consequently, in areas where the EU is not competent, national legislatures maintain the hitherto existing relationship with the government. But which kind of relationship have parliaments and governments traditionally maintained? Europeanisation research would benefit from including findings of comparative politics and legislative studies into its considerations. While empirical studies show that the EU impact on national legislation and lawmaking is rather modest, scholars of legislative studies attribute to legislatures in lawmaking a rather modest impact (Norton, 1996a, p. 14). Legislative power again is about constraining government. Parliaments do not produce laws on their own. Rather, they take part in a joint venture, where first and foremost the government, but also other actors, such as interest groups, are committed.

For different reasons, such as resources and expertise at their disposal, it is mostly governments that propose laws. This leads to the question in how far NPs are capable of influencing the outcome of the legislative process even at national level. The so-called

"*Mezey-question*" was extensively dealt with in literature (Arter, 2006a, 2006b). Findings concluded with the application of the 90%-rule: Government proposes 90% of bills and gets them through in 90% of the cases. But even when a change in the domestic power balance of government-parliament relations is observed, it has to be proven that European integration was the actual cause of this change (Haverland, 2007). Developments at domestic or international level do not pass unseen. The danger of Europeanisation research lies in tautological arguments, such as explaining Europeanisation by the EU. Establishing a strong causal link mostly depends on the research design. As in most areas of political science, randomisation is impossible. We are not able to randomly assign EU influence and see effects on national parliaments' actors or fora.

The fourth and final point of criticism concerns the question of who is targeted by EU scrutiny. The screening of EU documents at proposal stage (in so-called document-based systems) and the mandating of government in EU negotiations (in so-called mandating systems) are actions of NPs which concern the European institutions on the one hand and governments on the other hand. The intentions guiding those activities differ to a large extent. While the European institutions are the target of control in the first case, it is government in the second case. Targeting the European institutions is led by the aim of defending a national interest, if necessary together with government. It may not be subsumed under parliamentary control of government as the outcome of decision-making at EU level is highly uncertain. Thus, in the analysis, mandating systems and document-based systems are not the extreme points of a single EU scrutiny dimension, but instead comprise two dimensions of EU scrutiny rather.

### 7.4.3. Originality and contribution of this thesis to research on EU scrutiny

This study responds to all above-mentioned points of criticism which were raised regarding previous literature on EU scrutiny. The originality of this study lies firstly in the framing of EU scrutiny in a broader sense. Not only subsidiarity and proportionality matters or mandates to government in EU level negotiations are investigated, but legislative scrutiny and other control instruments as well. The internal structure of parliament is taken into account in order to estimate the potential for EU scrutiny. Secondly, this thesis aims at avoiding an overestimation of executive power. It not only focusses on decision-making as well as lawmaking (and transposition) but explicitly takes into account the question of EU policy-making and discretion of ministers in the Council of the EU. Thirdly, we take into account EU influences on different fora within parliament as all plenary and committee proceedings concerning lawmaking and parliamentary control are investigated.

More particularly, we may qualify the findings concerning a **fusion between the executive and the legislative** as outlined by Börzel and Sprungk (2007) in the German case. Since 2007, when this book contribution was published, important developments have led to an overload of information rather than its scarcity. The direct sending of EU documents to NPs as initiated by the Barroso-initiative in 2005 (compare with section 6.1.2) and the increase of parliamentary staff and resources regarding EU scrutiny in the narrow sense have improved the information of NPs. The complicity of parliaments and governments in EU matters stems from the fact that member states have lost in voting

power in the Council of the EU rather than from the necessity to retrieve information from government. In domestic matters, and although we have found an increase of sectoral thinking in committees, we witness an increased self-consciousness of parliament vis-à-vis government rather. Most importantly, this is expressed by a stricter budgetary control.

## *7.5. Summary and conclusions: Analysis and relevant literature*

This chapter was concerned with a twofold enterprise. Firstly, we proposed a detailed analysis of the findings including an outline of the IV and the DVs. The purpose was to give a final evaluation of the four hypotheses this thesis aimed to investigate. Secondly, we set our findings in the context of the relevant literature on parliamentary control of government.

Following the outline of hypotheses which we announced to test within the empirical chapters of this thesis, we have come to conclude that **deparliamentarisation or abdication** is not the case for the Chamber of Deputies. Rather, government has lost degrees of freedom in EU level negotiations due to the accession of new member states. At domestic level, ministers remain to a great extent free from constraints set by parliament although the Chamber has increased its expertise in policy matters. Its trust in government prevents it from using its rather large arsenal of control instruments. Finally, if government lost discretion at EU level, it is not the case when it comes to domestic matters where it remained stable. Therefore, no reason was given to the Chamber to strengthen its scrutiny.

However, the Luxembourgish parliament was seen to be a reactive institution. **Adaptation** has been made with regard to new opportunities at European level. At an early stage, it has informally tested to actively contribute to subsidiarity and proportionality checks. Later, those procedures have been formalised and today they make the Chamber one of the most active NPs in this formal dialogue with the European institutions.

As such, its control activity in European matters mainly targets the European institutions rather than the Luxembourgish government. Seen that the latter has lost in discretion and as incidences of ministerial initiatives in the context of the EWM suggest, parliament has lined up to stand by its government in the defence of national interests at EU level. We may therefore speak of **executive-legislative complicity in EU matters**.

In comparative perspective, the results of this study are surprising because of two reasons: Many scholars of NPs in the EU tend to assume a linear increase of governmental discretion in EU matters. This has been shown not to be the case and research has to acknowledge that unproved assumptions are not a stable basis for conclusions to be made. Apart from this basic assumption which has proved untrue, most knowledge about NPs in the EU stem from research treating legislatures which limit the degrees of freedom of their government in EU negotiations importantly. That a parliament is not inclined to do so seems to be undesirable and inferior from this perspective.

The review of **relevant literature** highlights the added value of this study which firstly brings major insight in the functioning of the Luxembourgish parliament and its relationship to government. Secondly, it treats all fora of parliament and all major links it maintains to government, be it lawmaking or scrutiny. Thirdly, the findings of this thesis are based on an examination of formal as well as informal rules and behaviour. It thus gives a complete picture of the developments in the period under investigation, that is between 1999 and 2011.

# Summary, general conclusions and outlook on future research

For both, decision-makers and future research, it is of utmost importance to improve our understanding of how Europe "*hits*" national parliaments (NPs) in the EU and how the quality of democracy is concerned. This thesis aimed at contributing to explain the evolution of parliamentary democracy in the EU. More generally, the link between EU policy-making and changes in lawmaking and scrutiny has attracted our attention in this study. The starting point was the often proclaimed assumption of a weakening of NPs by European integration.

The research **literature** so far gave valuable insights into the consequences of European integration for domestic legislatures. Scholars of NPs in the EU shed light on different aspects of the on-going developments. Given the limitations of existing research on the Europeanisation of NPs, and although interest in this kind of question is still growing after the entering into force of the Lisbon Treaty in 2009, it appears that there is room for improvement to our understanding of how NPs and the domestic executive-legislative relationship is shaped by European integration. A better comprehension is needed of how opportunities offered by the supranational level, and the constraints it sets, influence the institutional balance as well as the cross-institutional divisions.

Contrary to single-aspect studies, this thesis attempted to give a larger account of the extent of how NPs are concerned by European integration. The venture of evaluating the effect of European integration on the Luxembourgish parliament more particularly, and its relationship to government, afforded us to take into account parliamentary

organisation including all actors and fora, as well as three dimensions of parliamentary control.

The **first main argument** of this thesis is that parliaments have varying capacities to control government, depending on their committee structure. It is their internal organisation which enables them to establish expertise. The more decentralised a legislature is organised the more expertise is facilitated. In this setting, size matters and larger parliaments are advantaged when it comes to human resources. Thus, the more MPs and the larger the administrative personnel, the more specialisation is possible. The small number of MPs hinders the creation of expertise. Over the period of investigation, the **Structural scrutiny potential (SSP)**, that is the possibility of an individual MP to establish expertise, remained rather stable and at low levels compared to other countries.

Still, the argument of size is to be taken with parsimony. Some possibilities exist to facilitate specialisation. The number of committee meetings has increased for instance. We covered the use of the potential in a second index, that is the **Structural scrutiny intensity index (SSI)**. It takes into account the frequency of committee meetings which are of major importance for the establishment of expertise among MPs. The SSI turned out to vary during our period of investigation, without showing a general trend towards more or less scrutiny intensity (compare with Figure 40 on page 177).

This leads us to conclude that Luxembourgish MPs are generalists rather than specialists, but also that their expertise may increase due to the intensified work in parliamentary

committees. Chapter three gives an evaluation of the highly decentralized Luxembourgish committee system and its opportunities for the establishment of expertise for an effective parliamentary control of government.

The **second main argument** we employed within this study is that parliamentary control in EU matters may draw upon a plenitude of instruments at hands of MPs. It is multidimensional and based upon three pillars. Their investigation and the conditions of their employment allowed us to approach an overall evaluation of the Europeanisation of NPs. The first pillar is based on lawmaking and legislative scrutiny. The second one, specific control instruments such as parliamentary questions and the budgetary procedure are important tools in the hands of MPs to effectively scrutinise government. Finally, as third pillar, we examined EU scrutiny in the narrow sense, that is the overview of government regarding EU level negotiations and the control of the European institutions on the subsidiarity and proportionality principles.

The timing of those three control dimensions with respect to the adoption of EU regulation varies. They may concern EU draft legislation, the negotiation process at EU level as well as the adopted EU acts. Legislative scrutiny is related to the adopted act of EU policy-making. Specific control instruments may target both, drafts, negotiations as well as adopted texts. EU scrutiny in the narrow sense concerns the control of EU draft law and negotiations at EU level. Those three pillars of parliamentary control were treated in the chapters four to six.

**Three research questions** were investigated. The first one concerned the influence of European integration on the Luxembourgish parliament and more particularly, in how far the different actors and fora within parliament were affected. The second research question was related to the consequences of European integration on the institutional balance between parliament and government. The third research question targeted the changes for parliament resulting from the handling of European matters (compare with the outline of research questions in the first part of this study on page 22). The domestic context of three different governments as well as the European setting of Treaty revisions and enlargement was taken into account, as well as the scrutiny potential of the Chamber.

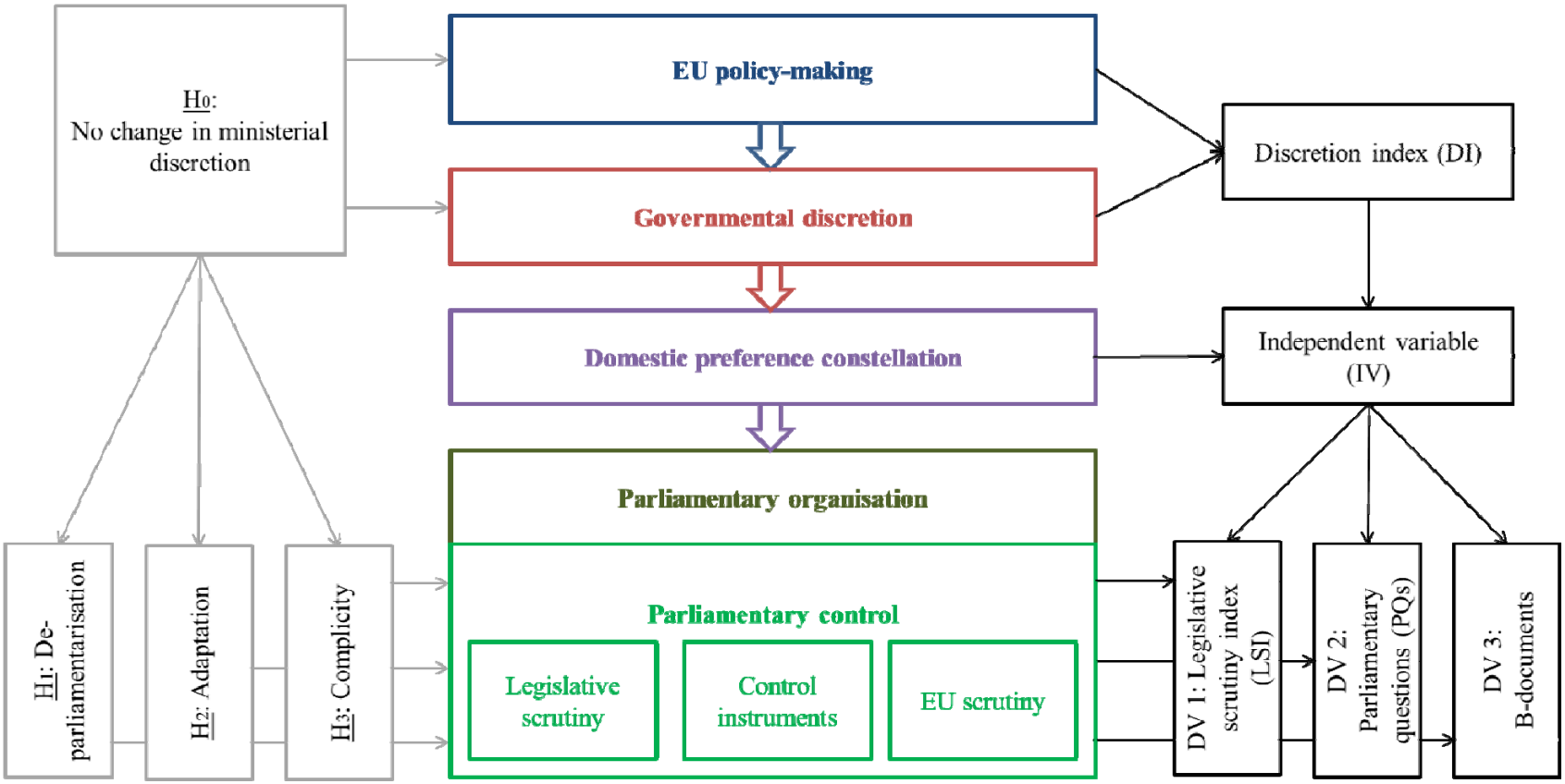
Subsequently, we established **four hypotheses** related to the three research questions and based on the principal agent approach (compare with section 1.2). Those hypotheses concerned the question whether governmental discretion at EU level afforded a change in parliamentary control at domestic level. Based on the findings of chapters two to six, chapter seven brought the results of the empirical chapters together.

How Europeanised is the Luxembourgish Chamber of Deputies as a principal and which consequences does this have for its relationship to government? A plenitude of indicators was investigated in this study (compare with Table 2 on page 51) and six different concepts were drawn upon: Ministerial discretion, risk for agency loss, scrutiny potential, legislative scrutiny, specific parliamentary control instruments, and EU scrutiny. Each concept was measured by one or more variables stemming from different data sources.

Those pieces put together led to support conclusions concerning the research questions and hypotheses outlined in the beginning of this study (Figure 99).

The first section within this final chapter is devoted to an **overall evaluation** of the different trends. It outlines the main results of the investigation of those three control dimensions and concludes with an answer to the three research questions. After the presentation of the main findings, we point to the theoretical implications of this thesis, as well as the strengths of the approach and research. In the final section, we identify the limitations and shortcomings of the study and give an outlook on future research.

*Figure 99: Hypotheses, model of enquiry and variables*



## *Main findings: The responsibility of the Chamber*

Ministers are responsible, as the Luxembourgish Constitution (art. 78 C) states. They account for their own actions as well as for the actions of their ministerial administration. However, parliament is responsible too. It is not supposed to govern but should watch its duty to overview government in order to guarantee democratic governance.

Our **first main finding** responds to our second research question regarding the effect of European integration on executive-legislative relations. To be sure, parliament has not lost its authority over government because of European integration, quite the contrary. This being said, we should also add that parliamentary control was at low levels in the end of the 1990s. While the deparliamentarisation/abdication thesis must be rejected and having confirmed that the Chamber has undergone major reform, we must conclude that complicity determines the relationship between parliament and government in EU matters. Complicity has been reinforced by the diminishing discretion of government in EU level negotiations. This thesis has demonstrated that a fundamental assumption of many studies proves to be incorrect. There is no linear, growing discretion of government in EU matters and consequently, no automatic loss of power for parliament. On the contrary, rather than parliament, government has suffered from the enlarged EU.

The **second main finding** is that the Chamber is well equipped with control tools, be it in the area of legislative scrutiny, EU scrutiny or with regard to special control instruments. In terms of the formal procedures, major reforms were introduced during the 13 years under investigation. The speed of reform has increased in recent years and the Rules of

Procedures of the Chamber (RoP) have been subject to ever more frequent changes (a trend which is similar to what may be observed regarding constitutional reform). The changes concerned all three control dimensions but at varying degrees.

We may speak of a major institutionalisation of parliamentary control more generally and European matters more particularly. The Chamber has formally clarified its proceedings in lawmaking, introduced new tools for questioning ministers, strengthened its budgetary overview, and set out the rules for enquiry committees. With regard to EU policy-making, it could formalise an agreement with government and it took up possibilities offered at European level to deliver opinions on policy proposals. Hence, formally, the Chamber is quite an **Europeanised institution.** Taking up our **third research question**, concerning the consequences of handling EU matters for the Chamber as a principal, we may state that the strengthening of domestic scrutiny has partly been pushed forward by EU level developments. As best examples serve the creation of special, sub- and enquiry committees concerned with EU matters and the developments in budgetary control, which increase the expertise and resources of MPs.

The **third main finding** is that the Chamber does not always live up to the given opportunities. Control is often not exerted in sufficient manner and not least regarding EU matters. Thus, despite its big potential to exert oversight, the Chamber seems to have willingly refrained from carrying out a more thorough scrutiny of government in EU matters over government. This thesis has pointed out that government so far could avoid being given a mandate in EU level negotiations. Instead, parliament made major

investments in subsidiarity and proportionality control and draws on governmental resources in the control of European institutions.

For instance, we have discovered that the level of legislative scrutiny decreased between 1999 and 2011. Parliamentary questions (PQs) seem to serve mainly the electoral purpose and disregard EU matters. Budgetary control, although strengthened, could be exerted more publicly, provoking extensive discussions on how the public money is spent. Although MPs may draw on a large variety of special control instruments, they do not systematically use those to outbalance information asymmetries of ministers gained in EU level negotiations. Hence, those are no privileged instruments for the control of EU matters which still range low on the priority lists of most MPs. The control of ministers in EU level negotiations is mostly dependent on the goodwill of committee chairs and ministers. Our investigation points to the fact that ministers generally meet their duty to appear before parliament or one of its committees. However, the Chamber could take up its responsibility more often and overview government in EU matters.

Thus, the **effective Europeanisation of the Chamber** remains limited. MPs may still choose to get active in policies related to the EU or not. The Europe strategy of the Chamber attempted to make all MPs deal with EU matters. However, this goal has not been yet totally achieved. In plenary session, European issues are more often discussed, not least with the introduction of obligatory reports of government concerning the transposition of directives and EU politics. However, below the line, and in response to our **first research question**, on which fora and actors are most concerned by European

integration, we must conclude that the burden of parliamentary control in general and in EU matters more particularly, is carried by some of the permanent committees, most importantly the EAC. Permanent committees deal with transpositions of European directives and screen EU documents.

The most important hampering factor is a matter of size. **Is the Chamber too small to take over its responsibilities in a satisfying manner?** Its organisation of committees suggests a good division of labour. At the same time, one MP is sitting in around five committees; vice versa one ministerial portfolio is covered by two MPs. Thus, it is surely a difficult enterprise to keep track of all on-going matters. In EU matters more particularly, information asymmetries were outbalanced by the European Commission and its Barroso-initiative as of 2006. While parliament became more independent from the information provided by government, it still is reliant on its expertise. Rather than information scarcity, it is the overload of information which challenges the Chamber in recent years.

An increase in parliamentary and party staff could outbalance the lack of expertise. Even though the Chamber as well as its factions have indeed restocked their departments, so far, it remains uncertain, whether this measure was sufficient. If parliamentary control of government does not come "*naturally*" in EU matters, obliging formal rules could serve motivating greater engagement of MPs as well as rendering committee work more independent from ministerial influence and expertise.

With this regard, the increase of committee meetings serves as a good example of how parliament could improve its performance. **MPs' expertise** has been promoted as committees have gained in importance over the years. The number of meetings jumped up and opposition MPs gained at least a small but fixed number of chairs. Thus, for individual MPs this means an increase in their independence of faction leaders. Consequently, **cross-party decision-making** has been enhanced. To go even further, there are tendencies towards increased sectoral trenches between experts of different committees. The consensual decision-making style of committees includes minister and ministerial staff. However, differences between committees remain, not least because of varying leadership styles of committee chairs.

MPs should devote their entire attention to parliamentary work, improve their knowledge in policy areas and live up to the discussion with ministers. The chairs have to be obliged to keep balance between too large and too little government presence in their committee meetings. They have to take up the responsibility to serve as pedagogues, where necessary, and train their committee members to a better understanding of the issues at stake. The control of ministers in EU matters does not necessitate more formal rules or the introduction of a mandating system. A better follow-up by MPs with sufficient expertise in the matters at stake could considerably improve the situation.

Thus, we may conclude that the Chamber's internal organisation and its RoP allow for Europeanisation. However, its effectiveness depends on the motivation of MPs and committee chairs. Indeed, they have all cards in their hands to improve their expertise and

to become the actors of an efficient and highly Europeanised Chamber which is able to cope with any development at EU level.

## *Theoretical implications: Europeanisation and delegation*

While the main empirical findings of this study do not allow drawing conclusions on developments in other legislatures, they may help to improve our theoretical understanding of NPs and executive-legislative relations with regard to EU matters more generally. The combination of the Europeanisation framework with a New Institutionalist approach and the principal agent theory more particularly proved to be a fruitful way to approach the question of the double democratic deficit and deparliamentarisation. Some of our results should thus consequently feed back on the use of theory in future studies of parliamentary control of government in the EU and on Europeanisation research and delegation theory more particularly.

Top-down **Europeanisation** has to be reconsidered as well as its meaning for NPs which deal with European matters to a lesser extent than one would expect. The main business of parliament remains domestic politics rather than European matters. This is where they may, want and do make a difference. Thus, we have to be cautious to automatically assume a profound influence of European integration on NPs and the long-standing, traditional balance of power between executive and legislative at domestic level.

Instead, the reluctance of legislatures to fully exert the scrutiny of government has to be taken into account, not only in EU but also in domestic matters, as Norton among others

suggested (1996a, p. 192ff) and explained by **party bonds**. Based on the findings of this thesis, we can add that **committee bonds** may breed a strong identification of all those involved in the solution of a certain legal problem. Decentralisation may thus provoke the independence of MPs from the party leadership and prevent effective control of government. Although on the face of it counterintuitive, ministerial presence in committees may not only serve scrutiny but may risk executive dominance in case the minister remains the only expert, or sectoral thinking, when committee members including the respective minister develop a common committee identity based on expertise. For instance, MPs of an Environment committee and a Minister of environment are prone to mutually support each other and a common agenda against for instance economic interests represented in a respective parliamentary committee.

Besides, the differentiation between **informal and formal Europeanisation** of NPs should be useful in future studies. European integration effects may cause informal or formal change in NPs. Our investigation has pointed out that informal change, for instance the introduction of new administrative procedures by the parliamentary steering bodies, tend to precede formal change expressed in the RoP. However, formal change may immediately be decided, without an informal testing taking place. Such jump in at the deep end is arguably less effective than the concession of an exploration period. Also, formal rules are more difficult to adapt in case of inadequacies than informal proceedings.

The Europeanisation of NPs does not necessarily result in a reinforcement of parliamentary control of government. Rather, NPs react on the opportunities offered by the European institutions. The Europeanisation of NPs yields thus their empowerment in EU level politics. This represents a profoundly intergovernmental approach to European integration. Again, some NPs actively take up this opportunity, and we have shown that the Luxembourgish parliament does so for instance, while others are unwilling to invest in new activities, as in the Finnish case for instance. By its nature, the main aim of such **intergovernmental trend** must be recognised to consist in the support of national governments and national interest as opposed to supranational decision-making. As a matter of fact, government may be at the origin of parliamentary control of European institutions, which again underlines the intergovernmental nature of the procedures formally introduced by the Lisbon Treaty.

Besides, this study affords a reassessment and adaptation of the basic assumptions of **delegation theory**. Not least, European integration as an external force touches upon domestic institutions in a non-uniform way. Parliament as a principal is less concerned by Europeanisation pressures than its agent the government. That much of the regulatory activity does not include parliament in EU and domestic matters is no new situation. This study reveals that parliament may not be keen on being charged with more legislative activity. Instead, MPs prefer concentrating on politically controversial issues which promise public attention and electoral reward, as well as policies which they may influence and that are domestic issues.

This is why **European matters are delegated** to a large extent and belong to the core business of the domestic executive. In case governments face difficulties in influencing the game at EU level, parliaments stand by their side. Government may count on parliament, when it risks the loss of influence. The ministerial discretion at EU level has suffered a major loss after the **enlargement** round of 2004. Rather than increasing the control of government in EU matters, the Chamber has since adapted its procedures and better scrutinises the European institutions.

While the principal agent relationship is mainly seen as determined by preoccupations over the prevention of agency loss, this concern is less visible in the Luxembourgish case and this may hold for other parliaments too. Rather, executive-legislative relations are based on a solid ground of **trust** between parliament and government, and even more so with regard to EU matters. This is owed to strong party organisation which make "*delegation and accountability work*" (Müller, 2000) and the agency problem may thus be considered to a large extent taken over by the political parties. Parliament in this respect offers instruments for cross-party control rather which are supplemented by the within-party monitoring mechanisms.

Trust is furthermore fostered by country specific characteristics. Firstly, Luxembourg provides a case of a **founding member of the EU**. From its beginnings, it has contributed to shape the form and function of European institutions. The adaptation of domestic institutions has to be seen in this light. Secondly, no major barriers in terms of **public or party Euro-scepticism** hindered or advanced necessary adaptations of political

institutions (Taggart and Szczerbiak, 2008, 2004). Thirdly, the **size of the country** and its political institutions facilitates a more personal acquaintance of the decision-makers (Dumont and Varone, 2006).

Hence, we are inclined to suggest that some of the developments we have examined in Luxembourg may be found in other political systems too. A comparative study combining parliaments of non-founding members of the EU, holding larger resources and facing Euro-scepticism in the population as well as at party level would be appropriate. Different strategies concerning EU scrutiny in the narrow sense (as expressed by the classification between document-based and mandating systems) are filtered by those contextual features of parliamentary systems.

### *Strength of the approach and the research*

How has European integration influenced the Chamber and its relationship to government? In order to answer this question, we have made some deliberate choices which have directed our focus of attention. Firstly, we have taken over the definition of Ladrech, that **Europeanisation means institutionalisation at national level**. Thus, this thesis was designed to investigate **top-down** Europeanisation, that is the impact of European integration on domestic institutions.

Secondly, we have added the perspective of the principal agent approach. The emphasis of this investigation was on **parliament as principal of government**, and its means to prevent from agency loss. The relationship between voters, the ultimate principals, and

the legislature as their agent is a separate question which had to be excluded from the analysis. Through those choices, Europeanisation became a question of adaptation and **institutionalisation of parliamentary control**.

Thirdly, one would think that all means are allowed in the parliamentary control of government in EU matters, the objective being the maintenance of high democratic standards. Hence, we aimed to provide a **holistic picture** of how the Chamber as a principal is concerned by European integration and thus incorporated a maximum of information concerning scrutiny and lawmaking in this study. Parliamentary control was therefore investigated in an extensive way, including **three analytical dimensions: Legislative scrutiny, specific control instruments and EU scrutiny**.

Fourthly, this study was limited to a period of thirteen years. Our observation was constrained to the **developments between 1999 and 2011**. Besides, we chose to compare the development of one assembly and executive-legislative relations between three legislative periods. This choice guaranteed the undistortedness of our conclusions. The possibility to draw **causal inferences** was guaranteed by the control of contextual and intervening variables.

On the one hand, we have taken into account the **risk of delegation** as an intervening variable and in order to estimate the need for overview. Depending on how far the policy preferences of government differed from the preferences of parliament, this risk was evaluated larger or smaller. On the other hand, the **discretion of government in**

**domestic matters** as contextual factor was controlled for. The aim was to be able to unambiguously trace back adaptations of parliamentary control to changes in ministerial discretion at EU level.

The discretion of ministers at EU level, together with the risk for agency loss established our **independent variable** (IV). Discretion of government at EU level, that is our Discretion index (DI), was operationalised by taking into account two indicators. Firstly, the number of regulatory acts the Council of the EU has issued served as an approximation to the development of the amount of discretion. Secondly, the voting power of the Luxembourgish ministers in the Council in terms of the Normalized Banzhaf index has qualified the given discretion. Together, the risk and the DI generate our IV.

The **three dependent variables** (DVs) consisted in three control dimensions: Legislative scrutiny, special control instruments and EU scrutiny. They underwent a thorough investigation in terms of the formal rules they are based on and the use of those rules in terms of parliamentary behaviour. To this end, we have drawn upon quantitative as well as qualitative indicators in order to provide a complete and nuanced picture of parliamentary control. Methodological **triangulation** has revealed to be of major importance given that many of the quantitative developments disguised the actual importance of a trend. For instance, when looking at amendments and the length of the legislative procedure, interviews and participatory observations brought practices to light which qualify the statistics.

Summing up, the use of theory as well as the course of action in data collection and analysis may be recommended to similar enterprises. Our results rest upon a secure theoretical as well as empirical basis.

## *Limitations of the study and avenues for future research*

While this thesis was designed to gain a most inclusive picture on the Europeanisation of the Chamber of Deputies and its relationship to government, limitations and shortcomings remain. Firstly, the subject covered within this thesis could be investigated in more detail. For instance, **developments in different policy fields** should be compared among each other with more depth. While this was planned at a first stage of this research, it has been dropped subsequently, not least because it had gone beyond the scope of this study. Such enterprise would make a thesis on its own.

Secondly, more accurate and dynamic measures for the **policy positions of parties** could be introduced by promoting the establishment of comparative data, for instance the agenda setting data. As these data do not exist so far for Luxembourg, we had to content ourselves with a calculated risk of agency loss which remains stable between two elections, that is during one legislature. This does not entirely cope with reality, as actualities for instance may shift government programme and parties policy positions. Using the party manifesto policy positions is thus the best possible choice.

Also, we have not dealt with the question of **whether delegation is a favourable thing** to do for the Chamber as a principal. However, within the context of executive-legislative relations, the division of labour has been rather fixed. Government governs while parliament ensures adequate monitoring of its agent. We would thus not expect major discoveries to be made on this point.

Between 2011 and 2014, the end of the period of investigation and the defence of this thesis a couple of important **developments** have occurred, which we could not take into account in this analysis. Regarding EU scrutiny in the narrow sense, the Chamber was one of the twelve NPs or assemblies (summing up to 19 votes) which have contributed to the **first yellow card** which was issued on 22 May 2012 on subsidiarity grounds.[272] The crux of the European Commission's "*Monti II*" proposal laid in the attempt of the Commission to introduce fundamental rights in the internal market, among them the right to strike. NPs deemed such to violate national competences.

The European Commission was forced to review and finally withdrew its proposal. Opposition from 12 member states' parliaments certainly would make it difficult to find unanimity in the Council (IPEX, CHD). Very obviously to the Chamber's Europe unit and the EAC, the right to strike was not of European competence and the first yellow card on the Monti II proposal evident. They estimated that no informal coordination among NPs had been needed to take up the respective Commission document for scrutiny.[273]

[272] Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (COM(2012) 373).
[273] Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012.

The domestic agenda dominates however the engagement in subsidiarity and proportionality control. The ongoing electoral campaign for the anticipatory legislative elections on 20 October 2013 prevented the Chamber even evaluating the proposal of the European Commission to establish a European Public Prosecutor's Office.[274] Fourteen other assemblies have issued reasoned opinions and thus attained the threshold for the **second yellow card**. As a result, the European Commission justified its decision and did not withdraw its proposal.

A more profound **evaluation of the procedures concerning the screening of EU documents** was envisaged by the end of the 2009-14 term but prevented by the early elections and thus shifted to the beginning of a new legislature. The inclusion of all MPs in the scrutiny process has not been entirely successful. No matter which party they are affiliated to, some of the MPs are prioritising EU matters, while for others local issues prevail. From the administrative point of view, however, the procedure works in satisfying manner.[275]

The challenges to come for Luxembourgish politics more generally, and the Luxembourgish parliament more particularly, also concern recent developments at European level which aim at escaping and preventing economic and financial crisis. The provisions on the EU's financial stability[276] as well as economic and budgetary

[274] Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (COM (2013) 534).
[275] Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012, and Member of the Chamber of Deputies, face-to-face interview, 14 January 2013.
[276] The European Financial Stabilisation Mechanism (EFSM) and the European Financial Stability Facility (EFSF) led to the creation of a permanent European Stability Mechanism (ESM) on 8 October 2012.

coordination risk **undermining the budgetary authority of NPs** and create a new democratic deficit as some scholars suggest (Fasone, 2013).

The adopted measures include a strengthened financial and macroeconomic surveillance of member states by the European Commission. To this end, the Stability and Growth Pact was reinforced by the so-called "*Six-Pack*"[277] in December 2011. Most importantly, the **Treaty on Stability, Coordination and Governance in the European Monetary Union** (TSCG), the so-called "*Fiscal Compact*", entered into force on 1 January 2013. The signing Heads of States declared implementing a balanced (constitutional) budget rule and introduce automatic mechanisms in case of deviations from the medium-term objectives by the end of 2013.[278] Besides, it was agreed to inform each other and the European institutions in case they plan to take up new debt and to meet regularly and more often in the framework of the so-called "*Euro Summit meetings*".[279] Thus, the Convergence criteria, set out by the Maastricht Treaty in 1992 and as modified by the Fiscal Compact, need to be taken seriously if financial sanctions are to be avoided.

[277] The so-called six-pack contains the following five regulations and one directive: Council Regulation (EU) No 1177/2011 of 8 November, Regulation (EU) No 1176/2011 of the European Parliament and the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances, Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies, Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area, Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area, Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States.

[278] COM/2012/0342 final

[279] Information retrieved at the website of the European Commission: http://www.eurozone.europa.eu/euro-area/topics/treaty-on-stability,-coordination-and-governance-%28tscg%29/ last access: 7 December 2013.

Not only past expenditures are set to be overviewed by the European Commission, but future spending too. National governments agreed to coordinate budgetary drafts more extensively based on the provisions of the Six-Pack, the TSCG, and extended by the so-called Two-Pack[280] measures in 2013. The **European Semester**, more particularly, guides the domestic budgetary procedure. It is complemented by the "*national semester*" taking place during the second half of each calendar year.

Hence, the Luxembourgish government is now required to submit so-called "*reform plans*" relatively early in the year to the European Commission. The question of timing is thus a major concern of those involved in the budgetary procedures. Deliberately, the Luxembourgish state budget was scheduled late in the year in order to preview next year's developments as precise as possible. Fears regarding the European Semester concern the insecurity of figures entering an early draft budget. What is more, the Chamber, as well as the professional chambers and the trade unions, have to be given a possibility to comment and discuss the preliminary budget before precise figures are sent to the Commission. Hence, the budgetary procedure is prone to be changed and set up earlier in the year.[281]

Apart from the domestic adaptation required by the new economic and budgetary policy instruments, a new **Interparliamentary Conference on Economic and Financial**

[280] The Two-Pack contains two regulations: Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area and Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability.
[281] Member of the Chamber of Deputies, face-to-face interview, 2 October 2013.

**Governance of the European Union** (Interparliamentary Conference on EFG) has been created. The Chamber of Deputies was among the parliaments supporting its creation.[282] Bringing together members of NPs and the EP, the purpose of this forum is to establish a dialogue with the heads of European institutions and the European Commission more particularly, on the economic and financial governance in the EU. Most importantly, the European Commission's assessments based on the submitted national reform plans should be discussed. The first Interparliamentary Conference on EFG was held on 16 October 2013. In its conclusions, the need for more effective democratic legitimacy and accountability was emphasised, not least, with regard to the scrutiny of reform plans submitted by governments in the framework of the European semester.[283]

Apart from those developments at European level, a major **constitutional reform** is upcoming in Luxembourg. This reform is prone to set the stage for future executive-legislative relations. The draft proposition so far advantages the Chamber to the detriment of the Grand Duke. It may well be that the recent events leading to the early elections provoke further adaptations not least regarding the powers of the Chamber to vote government out of power. The confusion of political decision-makers and commentators in this rather extraordinary situation for the Luxembourgish context showed the need for clear rules in case of motions of censure of any kind.

[282] Working paper of the meeting of the Speakers of Parliament of the Founding Member States of the European Union and the European Parliament in Luxembourg on January 11th, 2013.
[283] Presidency Conclusions. Interparliamentary Conference on Economic and Financial Governance of the European Union, 16-17 October 2013, Vilnius.

Indeed, the **early elections** were provoked by a newly installed enquiry committee on the Luxembourgish Secret Service (SREL) which concluded a failure of Prime Minister Jean-Claude Juncker to overview the activities of the Secret Service. After the reform of RoP regarding the separation of legislative and judicial powers, the SREL-committee could be a signal that enquiry committees will be a more frequent phenomenon in the years to come.

Each of those recent developments, be it at domestic or EU level, would justify the starting point of a new research project. Many scholars see European integration as a danger for the democratic quality at domestic level. As we have seen, NPs may draw on a multitude of instruments to thoroughly scrutinise their government's actions. In how far they take over this responsibility is up to them. Perhaps it is time to change implicit assumptions and start from a more objective and open point of view. The effect of European integration on parliamentary control of government and NPs must be seen through a new lens.

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# Annex

## *Annex 1: Changes in the Rules of Procedures of the Chamber*

### 1.1. Parliamentary committees

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
|---|---|---|---|---|---|---|---|---|
| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 17.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 17. (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 17. (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 17.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 17. (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 16.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 16.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 16.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. | Chapitre 5 Des commissions<br><br>a) Commissions permanentes<br><br>Art. 16.- (1) Après chaque renouvellement de la Chambre, celle-ci forme dans son sein des commissions permanentes, dont elle fixe le nombre, la dénomination et les attributions. |

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| (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum. | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum.<br><br>~~(3) Toutes les commissions permanentes nomment dans leur sein, à la majorité absolue des votants et pour la durée de la session, un président et deux vice-présidents.~~ | (2) Les commissions permanentes sont composées de cinq membres au minimum et de treize membres au maximum.<br><br>(3) Toutes les commissions permanentes nomment dans leur sein, à la majorité absolue des votants et pour la durée de la session, un président et deux vice-présidents. |

| Legislature 3 (CSV/LSAP II) | | | Legislature 2 (CSV/LSAP I) | | | Legislature 1 (CSV/DP) | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| b) Commissions spéciales<br><br>Art. 18.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 22. | b) Commissions spéciales<br><br>Art. 18. (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 22. | b) Commissions spéciales<br><br>Art. 18. (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 22. | b) Commissions spéciales<br><br>Art. 18.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 22. | b) Commissions spéciales<br><br>Art. 18. (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 22. | b) Commissions spéciales<br><br>Art. 17.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 21. | b) Commissions spéciales<br><br>Art. 17.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 21. | b) Commissions spéciales<br><br>Art. 17.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 21.<br><br>~~(2) Les commissions spéciales sont présidées par un président élu au sein de la commission. Les commissions spéciales nomment, en outre, deux vice-~~ | b) Commissions spéciales<br><br>Art. 17.- (1) Il peut être formé des commissions spéciales soit par la Chambre, soit à sa demande par le Président de la Chambre pour l'examen des objets définis à l'article 21.<br><br>(2) Les commissions spéciales sont présidées par un président élu au sein de la commission. Les commissions spéciales nomment, en outre, deux vice- |

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| | | | | | | | ~~présidents.~~ | présidents. |
| (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (2) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. | (3) Sauf décision contraire de la Chambre, la mission des commissions spéciales prend fin par le dépôt de leur rapport sur les projets de loi ou propositions dont elles ont été saisies. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 19.- (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 19. (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 19. (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 19.- (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 19. (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 18.- (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 18.- (1) La Chambre détermine, sur proposition de la Conférence des Présidents, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. | c) Règles communes aux commissions permanentes et aux commissions spéciales<br><br>Art. 18.- (1) La Chambre détermine, sur proposition de la Commission de Travail, le nombre de places à attribuer à chaque groupe politique, à chaque groupe technique et aux députés non-inscrits en fonction de leur représentation proportionnelle dans chaque commission considérée individuelle-ment. |

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| (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou | (2) Les groupes politiques, les groupes techniques et les députés non-inscrits proposent les membres pour les places leur attribuées dans chaque commission. Au cas où le nombre de candidats correspond au nombre de places à pourvoir, le ou les candidats peuvent être proclamés élus sans qu'il soit nécessaire de procéder au scrutin prévu au présent alinéa. Dans le cas contraire, la nomination des membres attribués au groupe politique ou groupe technique ou |

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| aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, la nomination se fait par tirage au sort.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur | aux députés non-inscrits en question est faite à la majorité absolue, les bulletins nuls et blancs ne comptant pas pour le calcul de cette majorité. Cependant, au deuxième tour, qui est celui du ballottage, la majorité relative suffit. Dans le cas d'égalité de suffrage, le plus âgé est nommé.<br><br>(3) Chaque membre peut se faire remplacer par un autre membre de son choix.<br><br>(4) Chaque député peut assister comme observateur |

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| (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 21.- (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 22.- (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 21. (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 22. (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 21. (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 22. (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 21.- (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 22.- (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 21. (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 22. (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 20.- (1) L'ordre du jour des réunions des commissions et fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 21.- (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | (5) A défaut du président et des vice-présidents, le député le plus ancien en rang préside la commission.<br><br>Art. 20.- (1) L'ordre du jour des réunions des commissions est fixé par la commission, ou, à son défaut, par son président ou par le Président de la Chambre.<br><br>(2) La priorité est réservée aux projets et propositions de loi.<br><br>Art. 21.- (1) Les commissions sont chargées d'examiner les projets et propositions de loi, les amendements | | |

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| sur demande d'une commission, la Conférence des Présidents peut décider que les travaux d'une réunion sont à transmettre en direct par la chaîne télévisée de la Chambre.<br><br>(8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début d'une prochaine réunion de la commission.<br><br>Le projet de procès-verbal est accessible aux membres de la commission, aux présidents des groupes politiques et aux membres | sur demande d'une commission, la Conférence des Présidents peut décider que les travaux d'une réunion sont à transmettre en direct par la chaîne télévisée de la Chambre.<br><br>(8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début d'une prochaine réunion de la commission.<br><br>Le projet de procès-verbal est accessible aux membres de la commission, aux présidents des groupes politiques et aux membres | sur demande d'une commission, la Conférence des Présidents peut décider que les travaux d'une réunion sont à transmettre en direct par la chaîne télévisée de la Chambre.<br><br>(8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début d'une prochaine réunion de la commission.<br><br>Le projet de procès-verbal est accessible aux membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux membres | (8) De chaque réunion il est dressé un procès-verbal qui doit être approuvé au début de la prochaine réunion de la commission. Jusqu'à ce moment, le projet de procès-verbal n'est accessible qu'aux seuls membres de la commission, aux présidents des groupes politiques et aux' membres |

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| la commission peut décider de garder le secret des délibérations. | la commission peut décider de garder le secret des délibérations. | la commission peut décider de garder le secret des délibérations. ~~Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix.~~ | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. | l'assentiment unanime des membres présents, la commission peut décider de garder le secret des délibérations. Dans ce cas la commission peut également décider de ne pas dresser procès-verbal de la réunion. Dans le cas d'une commission d'enquête, la décision de garder le secret des délibérations peut se faire à la majorité des voix. |
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| des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 26.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 26.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, d'inviter des députés européens, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, de prendre des renseignements documentaires auprès d'eux, | des observations écrites sur les projets ou propositions dont elle est saisie.<br><br>Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extra-parlementaires, de prendre des renseignements documentaires auprès d'eux, |

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| **Legislature 3 (CSV/LSAP II)y** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Annexe 1 :<br>Règlement d'ordre intérieur de la Commission de Contrôle parlementaire du Service de Renseignement de l'Etat<br><br>Titre 1er – DE L'ORGANISATION DE LA COMMISSION<br><br>Art. 1er. Des missions<br><br>Selon les dispositions de la loi du 15 juin 2004 portant organisation du Service de Renseignement de l'Etat les activités du Service de renseignement sont soumises au contrôle de la présente Commission de Contrôle parlementaire. D'après ladite loi les attributions de la | Annexe 1:<br>Règlement d'ordre intérieur de la Commission de Contrôle parlementaire du Service de Renseignement de l'Etat<br><br>Titre 1er – DE L'ORGANISATION DE LA COMMISSION<br><br>Art. 1er. Des missions<br><br>Selon les dispositions de la loi du 15 juin 2004 portant organisation du Service de Renseignement de l'Etat les activités du Service de renseignement sont soumises au contrôle de la présente Commission de Contrôle parlementaire. D'après ladite loi les attributions de la | Annexe 1:<br>Règlement d'ordre intérieur de la Commission de Contrôle parlementaire du Service de Renseignement de l'Etat<br><br>Titre 1er – DE L'ORGANISATION DE LA COMMISSION<br><br>Art. 1er. Des missions<br><br>Selon les dispositions de la loi du 15 juin 2004 portant organisation du Service de Renseignement de l'Etat les activités du Service de renseignement sont soumises au contrôle de la présente Commission de Contrôle parlementaire. D'après ladite loi les attributions de la | Annexe 1 :<br>Règlement d'ordre intérieur de la Commission de Contrôle parlementaire du Service de Renseignement de l'Etat<br><br>Titre 1er – DE L'ORGANISATION DE LA COMMISSION<br><br>Art. 1er. Des missions<br><br>Selon les dispositions de la loi du 15 juin 2004 portant organisant du Service de Renseignement de l'Etat les activités du Service de renseignement sont soumises au contrôle de la présente Commission de Contrôle parlementaire. D'après ladite loi les attributions de la | Annexe 1:<br>Règlement d'ordre intérieur de la Commission de Contrôle parlementaire du Service de Renseignement de l'Etat<br><br>Titre 1er – DE L'ORGANISATION DE LA COMMISSION<br><br>Art. 1er. Des missions<br><br>Selon les dispositions de la loi du 15 juin 2004 portant organisant du Service de Renseignement de l'Etat les activités du Service de renseignement sont soumises au contrôle de la présente Commission de Contrôle parlementaire. D'après ladite loi les attributions de la | | | |

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| Commission sont plus particulièrement les suivantes:<br><br>• être informée par le Directeur du Service de Renseignement sur les activités générales du Service, y compris les relations avec les services de renseignement et de sécurité étrangers.<br><br>• procéder à des contrôles portant sur des dossiers spécifiques. A cette fin, la Commission est autorisée à prendre connaissance de toutes les informations et pièces qu'elle juge pertinentes pour l'exercice de sa mission, à l'exception d'informations ou de pièces susceptibles de révéler l'identité d'une source du Service ou pouvant porter atteinte aux droits de la personne d'un tiers. La Commission peut entendre les agents du Service de Renseignement en | Commission sont plus particulièrement les suivantes:<br><br>• être informée par le Directeur du Service de Renseignement sur les activités générales du Service, y compris les relations avec les services de renseignement et de sécurité étrangers.<br><br>• procéder à des contrôles portant sur des dossiers spécifiques. A cette fin, la Commission est autorisée à prendre connaissance de toutes les informations et pièces qu'elle juge pertinentes pour l'exercice de sa mission, à l'exception d'informations ou de pièces susceptibles de révéler l'identité d'une source du Service ou pouvant porter atteinte aux droits de la personne d'un tiers. La Commission peut entendre les agents du Service de Renseignement en | Commission sont plus particulièrement les suivantes:<br><br>• être informée par le Directeur du Service de Renseignement sur les activités générales du Service, y compris les relations avec les services de renseignement et de sécurité étrangers.<br><br>• procéder à des contrôles portant sur des dossiers spécifiques. A cette fin, la Commission est autorisée à prendre connaissance de toutes les informations et pièces qu'elle juge pertinentes pour l'exercice de sa mission, à l'exception d'informations ou de pièces susceptibles de révéler l'identité d'une source du Service ou pouvant porter atteinte aux droits de la personne d'un tiers. La Commission peut entendre les agents du Service de Renseignement en | Commission sont plus particulièrement les suivantes:<br><br>• être informée par le Directeur du Service de Renseignement sur les activités générales du Service, y compris les relations avec les services de renseignement et de sécurités étrangères.<br><br>• procéder à des contrôles portant sur des dossiers spécifiques. A cette fin, la Commission est autorisée à prendre connaissance de toutes les informations et pièces qu'elle juge pertinentes pour l'exercice de sa mission, à l'exception d'informations ou de pièces susceptibles de révéler l'identité d'une source du Service ou pouvant porter atteinte aux droits de la personne d'un tiers. La Commission peut entendre les agents du Service de Renseignement en | Commission sont plus particulièrement les suivantes:<br><br>• être informée par le Directeur du Service de Renseignement sur les activités générales du Service, y compris les relations avec les services de renseignement et de sécurité étrangers.<br><br>• procéder à des contrôles portant sur des dossiers spécifiques. A cette fin, la Commission est autorisée à prendre connaissance de toutes les informations et pièces qu'elle juge pertinentes pour l'exercice de sa mission, à l'exception d'informations ou de pièces susceptibles de révéler l'identité d'une source du Service ou pouvant porter atteinte aux droits de la personne d'un tiers. La Commission peut entendre les agents du Service de Renseignement en | | | | |

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| charge du dossier sur lequel porte le contrôle.<br><br>• se faire assister par un expert lorsque le contrôle porte sur un domaine qui requiert des connaissances spéciales. La Commission peut en décider ainsi à la majorité des deux tiers des voix et après avoir consulté le Directeur du Service de Renseignement.<br><br>• dresser à l'issue de chaque contrôle un rapport final à caractère confidentiel qui inclut les observations, conclusions et recommandations formulées par ses membres et, le cas échéant, les commentaires relatifs aux contrôles spécifiques définis au paragraphe (2) ci-avant. Ce rapport est adressé au Premier Ministre, Ministre d'Etat, au Directeur du | charge du dossier sur lequel porte le contrôle.<br><br>• se faire assister par un expert lorsque le contrôle porte sur un domaine qui requiert des connaissances spéciales. La Commission peut en décider ainsi à la majorité des deux tiers des voix et après avoir consulté le Directeur du Service de Renseignement.<br><br>• dresser à l'issue de chaque contrôle un rapport final à caractère confidentiel qui inclut les observations, conclusions et recommandations formulées par ses membres et, le cas échéant, les commentaires relatifs aux contrôles spécifiques définis au paragraphe (2) ci-avant. Ce rapport est adressé au Premier Ministre, Ministre d'Etat, au Directeur du | charge du dossier sur lequel porte le contrôle.<br><br>• se faire assister par un expert lorsque le contrôle porte sur un domaine qui requiert des connaissances spéciales. La Commission peut en décider ainsi à la majorité des deux tiers des voix et après avoir consulté le Directeur du Service de Renseignement.<br><br>• dresser à l'issue de chaque contrôle un rapport final à caractère confidentiel qui inclut les observations, conclusions et recommandations formulées par ses membres et, le cas échéant, les commentaires relatifs aux contrôles spécifiques définis au paragraphe (2) ci-avant. Ce rapport est adressé au Premier Ministre, Ministre d'Etat, au Directeur du | charge du dossier sur lequel porte le contrôle.<br><br>• se faire assister par un expert lorsque le contrôle porte sur un domaine qui requiert des connaissances spéciales. La Commission peut en décider ainsi à la majorité des deux tiers des voix et après avoir consulté le Directeur du Service de Renseignement.<br><br>• dresser à l'issue de chaque contrôle un rapport final à caractère confidentiel qui inclut les observations, conclusions et recommandations formulées par ses membres et, le cas échéant, les commentaires relatifs aux contrôles spécifiques définis au paragraphe (2) ci-avant. Ce rapport est adressé au Premier Ministre, Ministre d'Etat, au | charge du dossier sur lequel porte le contrôle.<br><br>• se faire assister par un expert lorsque le contrôle porte sur un domaine qui requiert des connaissances spéciales. La Commission peut en décider ainsi à la majorité des deux tiers des voix et après avoir consulté le Directeur du Service de Renseignement.<br><br>• dresser à l'issue de chaque contrôle un rapport final à caractère confidentiel qui inclut les observations, conclusions et recommandations formulées par ses membres et, le cas échéant, les commentaires relatifs aux contrôles spécifiques définis au paragraphe (2) ci-avant. Ce rapport est adressé au Premier Ministre, Ministre d'Etat, au Directeur du | | | | |

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| Service de Renseignement et aux députés qui sont membres de la Commission de Contrôle parlementaire.<br><br>• élaborer des avis concernant des questions liées au fonctionnement et aux activités du service de Renseignement soit sur demande du Premier Ministre, Ministre d'Etat, soit de sa propre initiative.<br><br>• prendre connaissance tous les six mois des mesures de surveillance des communications ordonnées par le Premier Ministre à la demande du Service de Renseignement.<br><br>• prendre connaissance avant le début de l'exercice budgétaire, des explications du Premier Ministre, Ministre d'Etat sur le détail des crédits mis à la disposition du | Service de Renseignement et aux députés qui sont membres de la Commission de Contrôle parlementaire.<br><br>• élaborer des avis concernant des questions liées au fonctionnement et aux activités du service de Renseignement soit sur demande du Premier Ministre, Ministre d'Etat, soit de sa propre initiative.<br><br>• prendre connaissance tous les six mois des mesures de surveillance des communications ordonnées par le Premier Ministre à la demande du Service de Renseignement.<br><br>• prendre connaissance avant le début de l'exercice budgétaire, des explications du Premier Ministre, Ministre d'Etat sur le détail des crédits mis à la disposition du | Service de Renseignement et aux députés qui sont membres de la Commission de Contrôle parlementaire.<br><br>• élaborer des avis concernant des questions liées au fonctionnement et aux activités du service de Renseignement soit sur demande du Premier Ministre, Ministre d'Etat, soit de sa propre initiative.<br><br>• prendre connaissance tous les six mois des mesures de surveillance des communications ordonnées par le Premier Ministre à la demande du Service de Renseignement.<br><br>• prendre connaissance avant le début de l'exercice budgétaire, des explications du Premier Ministre, Ministre d'Etat sur le détail des crédits mis à la disposition du | Directeur du Service de Renseignement et aux députés qui sont membres de la Commission de Contrôle parlementaire.<br><br>• élaborer des avis concernant des questions liées au fonctionnement et aux activités du service de Renseignement soit sur demande du Premier Ministre, Ministre d'Etat, soit de sa propre initiative.<br><br>• prendre connaissance tous les six mois des mesures de surveillance des communications ordonnées par le Premier Ministre à la demande du Service de Renseignement.<br><br>• prendre connaissance avant le début de l'exercice budgétaire, des explications du Premier Ministre, Ministre d'Etat sur le détail des crédits mis à la disposition du | Service de Renseignement et aux députés qui sont membres de la Commission de Contrôle parlementaire.<br><br>• élaborer des avis concernant des questions liées au fonctionnement et aux activités du service de Renseignement soit sur demande du Premier Ministre, Ministre d'Etat, soit de sa propre initiative.<br><br>• prendre connaissance tous les six mois des mesures de surveillance des communications ordonnées par le Premier Ministre à la demande du Service de Renseignement.<br><br>• prendre connaissance avant le début de l'exercice budgétaire, des explications du Premier Ministre, Ministre d'Etat sur le détail des crédits mis à la disposition du | | | | |

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| informations fournies en retour par le Service de Renseignement devront être transmises à tous les députés membres de la Commission.<br><br>Titre 3 – DISPOSITIONS FINALES<br><br>Art. 10.- Modification du règlement<br><br>Toute modification du règlement intérieur de la Commission doit être adoptée par la Commission à la majorité des voix. Le règlement modifié doit être soumis pour approbation à la Chambre des Députés siégeant en séance plénière.<br><br>Art. 11.- Entrée en vigueur<br><br>Le présent règlement intérieur entre en vigueur après approbation par la | informations fournies en retour par le Service de Renseignement devront être transmises à tous les députés membres de la Commission.<br><br>Titre 3 – DISPOSITIONS FINALES<br><br>Art. 10. Modification du règlement<br><br>Toute modification du règlement intérieur de la Commission doit être adoptée par la Commission à la majorité des voix. Le règlement modifié doit être soumis pour approbation à la Chambre des Députés siégeant en séance plénière.<br><br>Art. 11. Entrée en vigueur<br><br>Le présent règlement intérieur entre en vigueur après approbation par la | informations fournies en retour par le Service de Renseignement devront être transmises à tous les députés membres de la Commission.<br><br>Titre 3 – DISPOSITIONS FINALES<br><br>Art. 10. Modification du règlement<br><br>Toute modification du règlement intérieur de la Commission doit être adoptée par la Commission à la majorité des voix. Le règlement modifié doit être soumis pour approbation à la Chambre des Députés siégeant en séance plénière.<br><br>Art. 11. Entrée en vigueur<br><br>Le présent règlement intérieur entre en vigueur après approbation par la | informations fournies en retour par le Service de Renseignement devront être transmises à tous les députés membres de la Commission.<br><br>Titre 3 – DISPOSITIONS FINALES<br><br>Art. 10.- Modification du règlement<br><br>Toute modification du règlement intérieur de la Commission doit être adoptée par la Commission à la majorité des voix. Le règlement modifié doit être soumis pour approbation à la Chambre des Députés siégeant en séance plénière.<br><br>Art. 11.- Entrée en vigueur<br><br>Le présent règlement intérieur entre en vigueur après approbation par la | informations fournies en retour par le Service de Renseignement devront être transmises à tous les députés membres de la Commission.<br><br>Titre 3 – DISPOSITIONS FINALES<br><br>Art. 10. Modification du règlement<br><br>Toute modification du règlement intérieur de la Commission doit être adoptée par la Commission à la majorité des voix. Le règlement modifié doit être soumis pour approbation à la Chambre des Députés siégeant en séance plénière.<br><br>Art. 11. Entrée en vigueur<br><br>Le présent règlement intérieur entre en vigueur après approbation par la | | | | |

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| Chambre des Députés ayant siégé en séance plénière. | Chambre des Députés ayant siégé en séance plénière. | Chambre des Députés ayant siégé en séance plénière. | Chambre des Députés ayant siégé en séance plénière. | Chambre des Députés ayant siégé en séance plénière. | | | | |

## 1.2. The legislative process

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Art. 55.- (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 22 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 55. (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 22 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 55. (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 22 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 55.- (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 22 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 55. (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 22 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 53.- (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 21 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi. | Art. 53.- (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 21 du présent Règlement.<br><br>(2) La Conférence des Présidents décide du renvoi~~. Il peut toutefois consulter~~ | Art. 53.- (1) Les projets de loi présentés au nom du Grand-Duc sont apportés à la Chambre par les membres du Gouvernement. Ils sont imprimés, distribués et transmis aux commissions, pour y être discutés suivant la forme établie à l'article 21 du présent règlement.<br><br>(2) Le Président<br><br>décide du renvoi. Il peut toutefois consulter |

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| | | | | | | | ~~la Chambre au sujet du renvoi. Cette consultation est de droit si cinq membres au moins la demandent.~~ | la Chambre au sujet du renvoi. Cette consultation est de droit si cinq membres au moins la demandent. |
| (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés : a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés : a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions | (3) Les décisions de renvoi ne donnent lieu ni à débat ni à vote par appel nominal.<br><br>(4) Les projets de loi ou les propositions qui entrent dans la compétence de deux ou de plusieurs commissions permanentes sont renvoyés: a) soit à une des commissions permanentes qui fera rapport à la Chambre, les autres commissions |

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| étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 18;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 19. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 18;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 19. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 18;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 19. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 18;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 19. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 18;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 19. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis ;<br>b) soit à une commission formée conformément à l'article 17 ;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 18. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis ;<br>b) soit à une commission formée conformément à l'article 17 ;<br>c) soit à deux ou plusieurs commissions<br><br>siégeant ensemble. En cas de renvoi à deux commissions,<br><br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 18. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 17;<br>c) soit à deux ou plusieurs commissions ~~permanentes~~<br>siégeant ensemble. En cas de renvoi à deux commissions ~~permanentes~~,<br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 18. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La | étant éventuellement consultées pour avis;<br>b) soit à une commission formée conformément à l'article 17;<br>c) soit à deux ou plusieurs commissions permanentes<br>siégeant ensemble. En cas de renvoi à deux commissions permanentes,<br>le membre appartenant aux deux commissions peut se faire remplacer dans l'une d'elles, conformément aux dispositions de l'article 18. Il en est de même en cas de renvoi à plus de deux commissions.<br><br>(5) La |

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| discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement. | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement. | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement. | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement. | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement. | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement.<br><br>Art. 54.- (aboli) | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement.<br><br>Art. 54.- (aboli) | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement.<br><br>~~Art. 54.- (1) Dans le cas où la Chambre est saisie d'un projet de loi qui n'aura pas été transmis à l'avis préalable du Conseil d'Etat, elle en examine les motifs d'urgence et, si elle est d'accord avec le Gouvernement, le Président en ordonne le renvoi, soit à une commission~~ | discussion ne pourra commencer dans les commissions qu'au moins trois jours après la distribution, à moins que la Chambre n'en décide autrement.<br><br>Art. 54.- (1) Dans le cas où la Chambre est saisie d'un projet de loi qui n'aura pas été transmis à l'avis préalable du Conseil d'Etat, elle en examine les motifs d'urgence et, si elle est d'accord avec le Gouvernement, le Président en ordonne le renvoi, soit à une commission |

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| | | | | | | | ~~permanente, soit à une commission spéciale.~~<br><br>~~(2) Dans les cas prévus par le présent article et par le précédent, la Chambre fixe le jour de la discussion, après avoir entendu le rapport de la commission, qui sera fait dans le plus court délai possible.~~<br><br>~~(3) Il y aura au moins un jour d'intervalle entre la présentation du rapport et l'ouverture de la discussion, à moins que la Chambre n'en décide autrement.~~ | permanente, soit à une commission spéciale.<br><br>(2) Dans les cas prévus par le présent article et par le précédent, la Chambre fixe le jour de la discussion, après avoir entendu le rapport de la commission, qui sera fait dans le plus court délai possible.<br><br>(3) Il y aura au moins un jour d'intervalle entre la présentation du rapport et l'ouverture de la discussion, à moins que la Chambre n'en décide autrement. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Art. 56.- Chaque député a le droit de faire des propositions de loi. | Art. 56. Chaque député a le droit de faire des propositions de loi. | Art. 56. Chaque député a le droit de faire des propositions de loi. | Art. 56.- Chaque député a le droit de faire des propositions de loi. | Art. 56. Chaque député a le droit de faire des propositions de loi. | Art. 55. – Chaque député a le droit de faire des propositions de loi. | Art. 55. – Chaque député a le droit de faire des propositions de loi. | Art. 55.- Chaque député a le droit de faire des propositions de loi. | Art. 55.- Chaque député a le droit de faire des propositions de loi. |
| Art. 57.- Le député qui entend faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 57. Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 57. Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 57.- Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 57. Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 56. Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 56. Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 56.- Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. | Art. 56.- Le député qui veut faire une proposition de loi la signe et la dépose sur le bureau de la Chambre. |
| Art. 58.- La Chambre décide de la recevabilité d'une proposition de | Art. 58. (1) La Chambre décide de la recevabilité d'une proposition de | Art. 58. (1) La Chambre décide de la recevabilité d'une proposition de | Art. 58.- (1) ~~Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs.~~ La Chambre décide de la recevabilité d'une proposition de | Art. 58. (1) Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs. La Chambre décide de la recevabilité d'une proposition de | Art. 57. (1) Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs. La Chambre décide de la recevabilité d'une proposition de | Art. 57. (1) Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs. La Chambre décide de la recevabilité d'une proposition de | Art. 57.- (1) Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs. La Chambre décide de la recevabilité d'une proposition de | Art. 57.- (1) Une proposition de loi est toujours recevable, sauf si elle est contraire à l'ordre public ou aux bonnes mœurs. La Chambre décide de la recevabilité d'une proposition de |

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| loi sur proposition de la Conférence des Présidents.<br><br>Art. 59.- Si la proposition de loi est déclarée recevable, elle est imprimée et distribuée. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable, elle est imprimée et distribuée. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable, elle est imprimée et distribuée. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable,<br><br>elle est imprimée et distribuée. ~~et renvoyée à une commission. La Conférence des Présidents décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 55.~~ | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable,<br><br>elle est imprimée, distribuée et renvoyée à une commission. La Conférence des Présidents décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 55. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable,<br><br>elle est imprimée, distribuée et renvoyée à une commission. La Conférence des Présidents décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 53. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable, ~~elle est soumise au Conseil d'Etat et~~ elle est imprimée, distribuée et renvoyée à une commission. La Conférence des Présidents décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 53. | loi sur proposition de la Conférence des Présidents.<br><br>(2) Si la proposition de loi est déclarée recevable, elle est soumise au Conseil d'Etat et elle est imprimée et communiquée aux membres de la Chambre. | loi sur proposition de la Commission de Travail.<br><br>(2) Si la proposition de loi est déclarée recevable, elle est soumise au Conseil d'Etat et elle est imprimée et communiquée aux membres de la Chambre. |
| Art. 60.-<br><br>La proposition de loi est | Art. 59.<br><br>La proposition de loi est | Art. 59.<br><br>La proposition de loi est | Art. 59.-<br><br>La proposition de loi est | Art. 59.<br><br>La proposition de loi est | Art. 58. –<br><br>La proposition de loi est | Art. 58. –<br><br>La proposition de loi est | Art. 58.- ~~Après que le Conseil d'Etat aura émis son avis,~~ La proposition de loi est | Art. 58.- Après que le Conseil d'Etat aura émis son avis, la proposition de loi est |

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| transmise au<br><br>Gouvernement,<br><br>et, par ce dernier, pour avis au Conseil d'Etat et aux chambres | transmise au<br><br>Gouvernement<br><br>qui peut rendre un avis et elle est renvoyée par la Conférence des | transmise au<br><br>Gouvernement<br><br>qui peut rendre un avis et elle est renvoyée par la Conférence des | transmise au ~~Conseil d'Etat et au~~ Gouvernement ~~Ce dernier dispose d'un délai de 3 mois, avec possibilité de demander un délai supplémentaire de 3 mois, pour prendre position au sujet de la proposition.~~<br>qui peut rendre un avis et elle est renvoyée par la Conférence des | transmise au Conseil d'Etat et au Gouvernement. Ce dernier dispose d'un délai de 3 mois, avec possibilité de demander un délai supplémentaire de 3 mois, pour prendre position au sujet de la proposition. | transmise au Conseil d'Etat et au Gouvernement. Ce dernier dispose d'un délai de 3 mois, avec possibilité de demander un délai supplémentaire de 3 mois, pour prendre position au sujet de la proposition. | ~~renvoyée à une commission qui la discute et en fait rapport à la Chambre. Le Président décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 53.~~<br>transmise au Conseil d'Etat et au Gouvernement. Ce dernier dispose d'un délai de 3 mois, avec possibilité de demander un délai supplémentaire de 3 mois, pour prendre position au sujet de la proposition. | renvoyée à une commission qui la discute et en fait rapport à la Chambre. Le Président décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 53. | renvoyée à une commission qui la discute et en fait rapport à la Chambre. Le Président décide du renvoi conformément aux dispositions des alinéas 2 et 4 de l'article 53. |

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| professionnelles concernées. | Présidents à une commission.<br><br>Art. 60. La proposition de loi figure à l'ordre du jour d'une réunion de commission et ensuite d'une séance publique dans un délai de 6 mois après le dépôt. | Présidents à une commission.<br><br>Art. 60. La proposition de loi figure à l'ordre du jour d'une réunion de commission et ensuite d'une séance publique dans un délai de 6 mois après le dépôt. | Présidents à une commission.<br><br>Art. 60.- La proposition de loi figure à l'ordre du jour d'une réunion de commission et ensuite d'une séance publique dans un délai de 6 mois après le dépôt. | Art. 60. Après s'être vu communiquer la prise de position du Gouvernement, ou après l'expiration du délai prévu à l'article 59 si le Gouvernement n'a pas pris position, la commission saisie examine la proposition de loi pour en faire rapport à la Chambre. | Art. 59. – Après s'être vu communiquer la prise de position du Gouvernement, ou après l'expiration du délai prévu à l'article 58 si le Gouvernement n'a pas pris position, la commission saisie examine la proposition de loi pour en faire rapport à la Chambre. | Art. 59. – Après s'être vu communiquer la prise de position du Gouvernement, ou après l'expiration du délai prévu à l'article 58 si le Gouvernement n'a pas pris position, la commission saisie examine la proposition de loi pour en faire rapport à la Chambre. | Art. 59.- (1) L'auteur peut, avant la consultation du Conseil d'Etat et le renvoi de la proposition de loi à une commission, demander au Président d'inscrire la proposition de loi à l'ordre du jour d'une séance en vue d'exposer l'objet de sa proposition de loi, sans que la Chambre ne soit cependant appelée à se prononcer sur la proposition de loi. | Art. 59.- (1) L'auteur peut, avant la consultation du Conseil d'Etat et le renvoi de la proposition de loi à une commission, demander au Président d'inscrire la proposition de loi à l'ordre du jour d'une séance en vue d'exposer l'objet de sa proposition de loi, sans que la Chambre ne soit cependant appelée à se prononcer sur la proposition de loi. |
| Art. 61.- La proposition de loi est renvoyée pour examen par la Conférence des | Art. 61. (1) La proposition de loi est<br><br>présentée et discutée en | Art. 61. (1) La proposition de loi est<br><br>présentée et discutée en | Art. 61.- (1) La proposition de loi est ~~ensuite~~ présentée et discutée en | Art. 61. (1) La proposition de loi est ensuite présentée et discutée en | Art. 60. – (1) La proposition de loi est ensuite présentée et discutée en | Art. 60. – (1) La proposition de loi est ensuite présentée et discutée en | (2) Si la proposition est appuyée par cinq membres au moins, le | (2) Si la proposition est appuyée par cinq membres au moins, le |

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| Présidents à une commission conformément aux dispositions des alinéas 2 et 4 de l'article 55.<br><br>~~(2)~~<br><br>~~Le temps de parole est de 10 minutes pour l'auteur de la proposition de loi,~~<br><br>~~pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique.~~ | séance publique quant à la poursuite de la procédure législative.<br><br>(2)<br><br>Le temps de parole est de 10 minutes pour l'auteur de la proposition de loi,<br><br>pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | séance publique quant à la poursuite de la procédure législative.<br><br>(2)<br><br>Le temps de parole est de 10 minutes pour l'auteur de la proposition de loi,<br><br>pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | séance publique quant à la poursuite de la procédure législative.<br><br>(2)<br><br>Le temps de parole est~~, sans préjudice de l'article 80 de la Constitution,~~ de 10 minutes pour l'auteur de la proposition de loi, ~~pour le rapporteur,~~ pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | séance publique.<br><br>(2)<br><br>Le temps de parole est, sans préjudice de l'article 80 de la Constitution, de 10 minutes pour l'auteur de la proposition de loi, pour le rapporteur, pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | séance publique.<br><br>(2)<br><br>Le temps de parole est, sans préjudice de l'article 80 de la Constitution, de 10 minutes pour l'auteur de la proposition de loi, pour le rapporteur, pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | séance publique.<br><br>(2) ~~Si la Chambre fait droit à la demande,~~ Le temps de parole est, sans préjudice de l'article 80 de la Constitution, de 10 minutes pour l'auteur de la proposition de loi, pour le rapporteur, pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | Président consulte la Chambre pour savoir si elle fait droit à la demande.<br><br>(3) Si la Chambre fait droit à la demande, le temps de parole est, sans préjudice de l'article 80 de la Constitution, de 10 minutes pour l'auteur de la proposition de loi,<br><br>pour le Gouvernement ainsi que pour chaque groupe politique et de 5 minutes pour chaque sensibilité politique. | Président consulte la Chambre pour savoir si elle fait droit à la demande.<br><br>(3) Si la Chambre fait droit à la demande, le temps de parole est, sans préjudice de l'article 80 de la Constitution, de 10 minutes pour l'auteur de la proposition de loi,<br><br>pour le Gouvernement ainsi que pour chaque groupe politique pris individuellement et les diverses sensibilités politiques prises dans leur |

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| | | | | | | | | ensemble. |
| ~~Art. 62. A l'issue de la discussion, la Chambre se prononce par un vote sur la poursuite de la procédure législative.~~ | Art. 62. A l'issue de la discussion, la Chambre se prononce par un vote sur la poursuite de la procédure législative. | Art. 62. A l'issue de la discussion, la Chambre se prononce par un vote sur la poursuite de la procédure législative. | Art. 62.- A l'issue de la discussion, la Chambre ~~peut~~ se prononce par un vote sur la poursuite de la procédure législative. | (3) A l'issue de la discussion, la Chambre peut se prononcer sur l'opportunité politique de la proposition de loi et sur le caractère prioritaire à lui accorder ou non. | (3) A l'issue de la discussion, la Chambre peut se prononcer sur l'opportunité politique de la proposition de loi et sur le caractère prioritaire à lui accorder ou non. | (3) A l'issue de la discussion, la Chambre peut se prononcer sur l'opportunité politique de la proposition de loi et sur le caractère prioritaire à lui accorder ou non. | | |
| | | | ~~Art. 62. La prise de position du Gouvernement et l'appréciation éventuelle de la Chambre sont envoyées au Conseil d'Etat.~~ | Art. 62. La prise de position du Gouvernement et l'appréciation éventuelle de la Chambre sont envoyées au Conseil d'Etat. | Art. 60-1.- La prise de position du Gouvernement et l'appréciation éventuelle de la Chambre sont envoyées au Conseil d'Etat. | Art. 60-1.- La prise de position du Gouvernement et l'appréciation éventuelle de la Chambre sont envoyées au Conseil d'Etat. | ~~Art. 60.- Lorsqu'il est décidé qu'il y a urgence et que cette urgence est reconnue par le Gouverne- ment, conformément à l'Art. 27 de la loi du 8 février 1961 portant organisation du Conseil d'Etat, le renvoi à une commission sera~~ | Art. 60.- Lorsqu'il est décidé qu'il y a urgence et que cette urgence est reconnue par le Gouverne- ment, conformément à l'Art. 27 de la loi du 8 février 1961 portant organisation du Conseil d'Etat, le renvoi à une commission sera |
| | | | ~~Art. 63. (1) Lorsque l'avis du Conseil d'Etat aura été communiqué à la Chambre, celle-ci se prononce~~ | Art. 63. (1) Lorsque l'avis du Conseil d'Etat aura été communiqué à la Chambre, celle-ci se prononce | Art. 60.-2.- (1) Lorsque l'avis du Conseil d'Etat aura été communiqué à la Chambre, celle-ci se prononce | Art. 60.-2.- (1) Lorsque l'avis du Conseil d'Etat aura été communiqué à la Chambre, celle-ci se prononce | | |

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| | | | définitivement sur la prise en considération de la proposition de loi. | définitivement sur la prise en considération de la proposition de loi. | définitivement sur la prise en considération de la proposition de loi. | définitivement sur la prise en considération de la proposition de loi. | immédiate-ment ordonné, mais l'avis du Conseil d'Etat devra être communiqué à la Chambre avant le vote définitif de la proposition. | immédiate-ment ordonné, mais l'avis du Conseil d'Etat devra être communiqué à la Chambre avant le vote définitif de la proposition. |
| Art. 63. (1) Si la Chambre se prononce en faveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est renvoyée par la Conférence des Présidents pour examen à une commission conformément aux dispositions des alinéas 2 et 4 de l'article 55. La proposition de loi est également transmise au Conseil d'Etat et aux chambres professionnelles concernées | Art. 63. (1) Si la Chambre se prononce en faveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est renvoyée par la Conférence des Présidents pour examen à une commission conformément aux dispositions des alinéas 2 et 4 de l'article 55. La proposition de loi est également transmise au Conseil d'Etat et aux chambres professionnelles concernées | Art. 63. (1) Si la Chambre se prononce en faveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est renvoyée par la Conférence des Présidents pour examen à une commission conformément aux dispositions des alinéas 2 et 4 de l'article 55. La proposition de loi est également transmise au Conseil d'Etat et aux chambres professionnelles concernées | Art. 63.- (1) Si la Chambre se prononce en faveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est renvoyée par la Conférence des Présidents pour examen à une commission conformément aux dispositions des alinéas 2 et 4 de l'article 55. La proposition de loi est également transmise au Conseil d'Etat et aux chambres professionnelles concernées | (2) Si elle se prononce en faveur de la prise en considération de la proposition, celle-ci est renvoyée à la commission saisie pour en faire rapport à la Chambre qui la discutera conformément aux dispositions du chapitre 3 du présent titre.<br><br>(3) Si elle se prononce contre la prise en considération de la proposition, celle-ci est classée sans suites. | (2) Si elle se prononce en faveur de la prise en considération de la proposition, celle-ci est renvoyée à la commission saisie pour en faire rapport à la Chambre qui la discutera conformément aux dispositions du chapitre 3 du présent titre.<br><br>(3) Si elle se prononce contre la prise en considération de la proposition, celle-ci est classée sans suites. | (2) Si elle se prononce en faveur de la prise en considération de la proposition, celle-ci est renvoyée à la commission saisie pour en faire rapport à la Chambre qui la discutera conformément aux dispositions du chapitre 3 du présent titre.<br><br>(3) Si elle se prononce contre la prise en considération de la proposition, celle-ci est classée sans suites. | | |

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| ~~pour avis.~~<br><br>~~(2) Si la Chambre se prononce en défaveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est classée sans suites.~~<br><br>Art. 62.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre ~~a classées sans suites ou qu'elle~~ n'a pas adoptées.<br><br>Art. 63.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | pour avis.<br><br>(2) Si la Chambre se prononce en défaveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est classée sans suites.<br><br>Art. 64. Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre a classées sans suites ou qu'elle n'a pas adoptées.<br><br>Art. 65. Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | pour avis.<br><br>(2) Si la Chambre se prononce en défaveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est classée sans suites.<br><br>Art. 64. Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre a classées sans suites ou qu'elle n'a pas adoptées.<br><br>Art. 65. Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | pour avis.<br><br>(2) Si la Chambre se prononce en défaveur de la poursuite de la procédure législative de la proposition de loi, celle-ci est classée sans suites.<br><br>Art. 64.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre a classées sans suites ou qu'elle n'a pas adoptées.<br><br>Art. 65.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | Art. 64. Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre n'a pas prises en considération ou qu'elle n'a pas adoptées.<br><br>Art. 65. Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | Art. 61.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre n'a pas prises en considération ou qu'elle n'a pas adoptées.<br><br>Art. 62.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | Art. 61.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre n'a pas prises en considération ou qu'elle n'a pas adoptées.<br><br>Art. 62.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | Art. 61.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre n'a pas prises en considération ou qu'elle n'a pas adoptées.<br><br>Art. 62.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à | Art. 61.- Ne peuvent être réintroduites au cours d'une même session les propositions que la Chambre n'a pas prises en considération ou qu'elle n'a pas adoptées.<br><br>Art. 62.- Tout rapport qui sera fait sur une proposition provenant de l'initiative parlementaire et tendant à |

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| augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution des recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution des recettes devant résulter de l'adoption de la proposition. | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. ~~La commission consultera, si elle le juge utile, la commission des finances.~~ | augmenter directement ou indirectement les dépenses publiques ou à diminuer les recettes devra, s'il est favorable à la proposition, indiquer les ressources ou les diminutions de dépenses permettant de couvrir la dépense ou la diminution de recettes devant résulter de l'adoption de la proposition. La commission consultera, si elle le juge utile, la commission des finances. |
| Art. 64.- (1) Chaque député a le droit de retirer une proposition de loi dont il est l'auteur. ~~avant le vote sur la~~ | Art. 66. (1) Chaque député a le droit de retirer une proposition de loi dont il est l'auteur avant le vote sur la | Art. 66. (1) Chaque député a le droit de retirer une proposition de loi dont il est l'auteur avant le vote sur la | Art. 66.- (1) Chaque député a le droit de retirer une proposition de loi dont il est l'auteur avant le vote | Art. 66. (1) Chaque député a le droit de retirer une proposition de loi dont il est l'auteur. | | | | |

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| ~~poursuite de la procédure législative tel que prévu à l'article 62.~~<br>La Chambre est informée du retrait.<br><br>(2) Un groupe politique, un groupe technique ou une sensibilité politique a le droit de retirer une proposition de loi ~~avant le vote sur la poursuite de la procédure législative tel que prévu à l'article 62,~~ si l'auteur n'est plus membre de la Chambre, à condition que l'auteur ait été membre de ce groupe politique, de ce groupe technique ou de cette sensibilité | poursuite de la procédure législative tel que prévu à l'article 62.<br>La Chambre est informée du retrait.<br><br>(2) Un groupe politique, un groupe technique ou une sensibilité politique a le droit de retirer une proposition de loi avant le vote sur la poursuite de la procédure législative tel que prévu à l'article 62, si l'auteur n'est plus membre de la Chambre, à condition que l'auteur ait été membre de ce groupe politique, de ce groupe technique ou de cette sensibilité | poursuite de la procédure législative tel que prévu à l'article 62.<br>La Chambre est informée du retrait.<br><br>(2) Un groupe politique, un groupe technique ou une sensibilité politique a le droit de retirer une proposition de loi avant le vote sur la poursuite de la procédure législative tel que prévu à l'article 62, si l'auteur n'est plus membre de la Chambre, à condition que l'auteur ait été membre de ce groupe politique, de ce groupe technique ou de cette sensibilité | sur la poursuite de la procédure législative tel que prévu à l'article 62.<br>La Chambre est informée du retrait.<br><br>(2) Un groupe politique, un groupe technique ou une sensibilité politique a le droit de retirer une proposition de loi avant le vote sur la poursuite de la procédure législative tel que prévu à l'article 62, si l'auteur n'est plus membre de la Chambre, à condition que l'auteur ait été membre de ce groupe politique, de ce groupe technique ou de cette sensibilité | La Chambre est informée du retrait.<br><br>(2) Un groupe politique, un groupe technique ou une sensibilité politique a le droit de retirer une proposition de loi<br><br>si l'auteur n'est plus membre de la Chambre, à condition que l'auteur ait été membre de ce groupe politique, de ce groupe technique ou de cette sensibilité | | | | |

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| politique au moment du dépôt de la proposition de loi. La Chambre est informée du retrait.<br><br>Art. 65.- Si l'auteur de la proposition de loi n'est plus membre de la Chambre et si le groupe politique, technique ou la sensibilité politique dont était membre l'auteur au moment du dépôt de la proposition de loi n'existe plus, le retrait d'une proposition de loi est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>~~(4) Le retrait~~ | politique au moment du dépôt de la proposition de loi. La Chambre est informée du retrait.<br><br>(3) Si l'auteur de la proposition de loi n'est plus membre de la Chambre et si le groupe politique, technique ou la sensibilité politique dont était membre l'auteur au moment du dépôt de la proposition de loi n'existe plus, le retrait d'une proposition de loi est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(4) Le retrait | politique au moment du dépôt de la proposition de loi. La Chambre est informée du retrait.<br><br>(3) Si l'auteur de la proposition de loi n'est plus membre de la Chambre et si le groupe politique, technique ou la sensibilité politique dont était membre l'auteur au moment du dépôt de la proposition de loi n'existe plus, le retrait d'une proposition de loi est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(4) Le retrait | politique au moment du dépôt de la proposition de loi. La Chambre est informée du retrait.<br><br>(3) Si l'auteur de la proposition de loi n'est plus membre de la Chambre et si le groupe politique, technique ou la sensibilité politique dont était membre l'auteur au moment du dépôt de la proposition de loi n'existe plus, le retrait d'une proposition de loi est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(4) Le retrait | politique au moment du dépôt de la proposition de loi. La Chambre est informée du retrait.<br><br>(3) Si l'auteur de la proposition de loi n'est plus membre de la Chambre et si le groupe politique, technique ou la sensibilité politique dont était membre l'auteur au moment du dépôt de la proposition de loi n'existe plus, le retrait d'une proposition de loi est décidé par la Chambre sur proposition de la Conférence des présidents.<br><br> | | | | |

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| ~~d'une proposition de loi après le vote sur la poursuite de la procédure législative tel que prévu à l'article 62 est décidé par la Chambre sur proposition de la Conférence des Présidents.~~<br><br>Art. 66.- (1) Une proposition de loi ne peut être retirée du rôle après le premier vote constitutionnel.<br><br>(2) Un député peut reprendre une proposition de loi à son nom. | d'une proposition de loi après le vote sur la poursuite de la procédure législative tel que prévu à l'article 62 est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(5) Une proposition de loi ne peut être retirée du rôle après le premier vote constitutionnel.<br><br>(6) Un député peut reprendre une proposition de loi à son nom. | d'une proposition de loi après le vote sur la poursuite de la procédure législative tel que prévu à l'article 62 est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(5) Une proposition de loi ne peut être retirée du rôle après le premier vote constitutionnel.<br><br>(6) Un député peut reprendre une proposition de loi à son nom. | d'une proposition de loi après le vote sur la poursuite de la procédure législative tel que prévu à l'article 62 est décidé par la Chambre sur proposition de la Conférence des Présidents.<br><br>(4) Une proposition de loi ne peut être retirée du rôle après le premier vote constitutionnel.<br><br>(5) Un député peut reprendre une proposition de loi à son nom. | | | | | |

| **Legislature 3 (CSV/LSAP II)** | | | | **Legislature 2 (CSV/LSAP I)** | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Art. 67.- (1) Le rapporteur présente le rapport de la commission à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 67. (1) Le rapporteur présente le rapport de la commission à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 67. (1) Le rapporteur présente le rapport de la commission à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 67.- (1) Le rapporteur présente le rapport de la commission à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 67. (1) Le rapporteur présente le rapport de la commission à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 63. (1) Le rapporteur présente le rapport de la commission, à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 63. (1) Le rapporteur présente le rapport de la commission, à laquelle le projet ou la proposition de loi a été renvoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 63.- (1) Le rapporteur présente le rapport de la commission à laquelle le projet<br><br>de loi a été envoyé. Ses propos reflètent les discussions et les décisions de la commission.<br><br>(2) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(3) La discussion générale porte | Art. 63.- (1) La discussion qui suivra le rapport sur un projet ou sur une proposition de loi comporte une discussion générale et la discussion des articles.<br><br>(2) La discussion générale porte |

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| sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(4) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(5) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(6) La discussion des articles s'ouvre | sur le principe et sur l'ensemble du projet de loi ou de la proposition.<br><br>(3) Outre la discussion générale et la discussion des articles, la Chambre peut ordonner une discussion sur l'ensemble de chacune des divisions d'un projet de loi ou d'une proposition.<br><br>(4) Sauf décision contraire de la Chambre, le texte adopté ou éventuellement amendé par la commission sert de base à la discussion des articles.<br><br>(5) La discussion des articles s'ouvre |

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| successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. | successivement sur chaque article, suivant son ordre, et sur les amendements qui s'y rapportent. |
| Art. 68.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 68. Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 68. Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 68.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 68. Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 64.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer, mais si un autre membre la reprend, la discussion continue. | Art. 64.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer, mais si un autre membre la reprend, la discussion continue. | Art. 64.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. | Art. 64.- Quoique la discussion soit ouverte sur une proposition, celui qui l'a faite peut la retirer; mais si un autre membre la reprend, la discussion continue. |
| Art. 69.- L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 69. L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 69. L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 69.- L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 69. L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 65. – L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 65. – L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 65.- L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport. | Art. 65.- L'avis du Conseil d'Etat est communiqué aux commissions et, sur cet avis, les commissions arrêtent définitivement les conclusions de leur rapport, |

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| | | | | | | | ~~auquel l'avis du Conseil d'Etat doit être annexé.~~ | auquel l'avis du Conseil d'Etat doit être annexé. |
| Art. 70.- (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 70. (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 70. (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 70.- (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 70. (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 66. (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 66. (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996 portant réforme du Conseil d'Etat, une proposition ou un projet de loi aura été discuté sans que l'avis du Conseil d'Etat soit disponible, | Art. 66.- (1) Lorsque, dans les cas prévus par l'Art. 2 de la loi du 12 juillet 1996, une proposition ou un projet de loi aura été discuté sans que l'avis ~~préalable~~ du Conseil d'Etat soit disponible, ~~ou lorsqu'un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été entendu,~~ | Art. 66.- (1) Lorsque, dans les cas prévus par l'Art. 27 de la loi du 8 février 1961, une proposition ou un projet de loi aura été discuté sans que l'avis préalable du Conseil d'Etat ait été pris, ou lorsqu'un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été entendu, |

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| l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble de la proposition ou du projet de loi. Si la Chambre des Députés a procédé au vote article par article conformément à l'article 65 de la Constitution, sans pouvoir procéder au vote sur l'ensemble de la loi du fait qu'une proposition ou un projet de loi aura subi, par l'adoption d'amendements ou le rejet d'articles, des modifications sur lesquelles le Conseil d'Etat n'aura pas été | l'avis de ce corps devra être communiqué à la Chambre avant le vote sur l'ensemble du projet de loi. |

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| entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis, dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis, dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi ou de la proposition de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | entendu, celui-ci rend son avis sur les dispositions votées par la Chambre dans un délai de trois mois au plus tard à partir de la date de la communication des dispositions au Conseil d'Etat. Faute d'avis dans ce délai, la Chambre peut passer au vote sur l'ensemble du projet de loi.<br><br>(2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. | (2) Le vote sur l'ensemble des projets ou propositions de loi a lieu par appel nominal et à haute voix. |

| Legislature 3 (CSV/LSAP II) | | | Legislature 2 (CSV/LSAP I) | | | Legislature 1 (CSV/DP) | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| a) Des amendements en commission<br><br>Art. 71.- (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 71. (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 71. (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 71.- (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 71. (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 67. (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier. | a) Des amendements en commission<br><br>Art. 67. (1) Chaque membre a le droit de présenter des amendements à la commission saisie. Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier.<br><br>~~(2) Les amendements sont rédigés par écrit et remis au Président. Ils doivent être signés par cinq membres au moins.~~ | Art. 67.- (1) Chaque membre a le droit de présenter des amendements.<br><br>Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier.<br><br>(2) Les amendements sont rédigés par écrit et remis au Président. Ils doivent être signés par cinq membres au moins. | Art. 67.- (1) Chaque membre a le droit de présenter des amendements.<br><br>Ceux-ci doivent s'appliquer effectivement à l'objet précis ou à l'article du projet ou de la proposition qu'ils tendent à modifier.<br><br>(2) Les amendements sont rédigés par écrit et remis au Président. Ils ne peuvent être signés par plus de cinq membres. |

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| | | | | | | ~~Ils sont distribués aux membres de la Chambre et transmis à la commission compétente.~~ | Ils sont distribués aux membres de la Chambre et transmis à la commission compétente. | Ils sont distribués aux membres de la Chambre et transmis à la commission compétente. |
| 2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (2) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (3) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. | (3) La commission indique dans son rapport la suite qu'elle a donnée aux amendements dont elle a été saisie. |
| (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (3) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (4) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. | (4) L'auteur principal d'un amendement a le droit d'être entendu par la commission chargée de l'examiner. |
| b) Des amendements en séance publique | b) Des amendements en séance publique | b) Des amendements en séance publique | b) Des amendements en séance publique | b) Des amendements en séance publique | b) Des amendements en séance publique | b) Des amendements en séance publique | | |
| Art. 72.- (1) La Chambre ne délibère sur aucun amendement | Art. 72. (1) La Chambre ne délibère sur aucun amendement | Art. 72. (1) La Chambre ne délibère sur aucun amendement | Art. 72.- (1) La Chambre ne délibère sur aucun amendement | Art. 72. (1) La Chambre ne délibère sur aucun amendement | Art. 68. (1) La Chambre ne délibère sur aucun amendement | Art. 68. (1) La Chambre ne délibère sur aucun amendement | Art. 68.- (1) La Chambre ne délibère sur aucun amendement | Art. 68.- (1) La Chambre ne délibère sur aucun amendement |

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| s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins. Les amendements sont rédigés par écrit et remis au Président. Ils sont distribués aux membres de la Chambre.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération. | s'il n'est appuyé par cinq membres au moins.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération.<br><br>~~(3) Le vote des amendements produits au cours de la discussion peut avoir lieu sur un texte unique.~~<br>~~Si la discussion est renvoyée à une autre~~ | s'il n'est appuyé par cinq membres au moins.<br><br>(2) Si la Chambre décide qu'il y a lieu de renvoyer l'amendement au Conseil d'Etat ou à une commission, elle peut suspendre la délibération.<br><br>(3) Le vote des amendements produits au cours de la discussion peut avoir lieu sur un texte unique.<br>Si la discussion est renvoyée à une autre |

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| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Art. 73.- (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 73. (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 73. (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 73.- (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 73. (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 69. (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas dépose de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 69. (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance | Art. 69.- (1) Lorsque, dans une commission, un projet de loi ou une proposition a été adopté sans modification et lorsqu'il n'a été fait aucune observation importante, il n'est pas déposé de rapport sur ce projet ou cette proposition.<br><br>(2) L'intitulé et le numéro des projets de loi et propositions, dont il est question à l'alinéa précédent, sont portés sur une liste qui sera distribuée au moins trois jours avant la séance |

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| au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue au paragraphe (2).<br><br>(4) Toute commission peut proposer à la Conférence des Présidents de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. | au cours de laquelle ils seront mis en délibération. Il y est fait mention pour chacun d'eux de la décision de la commission.<br><br>(3) Le Président inscrit à l'ordre du jour d'une séance les objets figurant sur la liste prévue à l'alinéa 2.<br><br>(4) Toute commission peut proposer à la Commission de Travail de la Chambre de porter à l'ordre du jour une affaire ne demandant qu'un vote sans qu'il n'y ait lieu de prévoir des débats. |

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| (5) Si la Conférence des Présidents statuant à l'unanimité se rallie à cette proposition, l'affaire en question est portée à l'ordre du jour avec la mention „sans débats“.<br><br>(6) Si, avant le début de la séance où l'affaire devait normalement être prise, aucun député n'a formé d'opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d'opposition l'affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l’unanimité se rallie à cette proposition, l’affaire en question est portée à l’ordre du jour avec la mention «sans débats».<br><br>(6) Si, avant le début de la séance où l’affaire devait normalement être prise, aucun député n’a formé d’opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d’opposition l’affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l’unanimité se rallie à cette proposition, l’affaire en question est portée à l’ordre du jour avec la mention «sans débats».<br><br>(6) Si, avant le début de la séance où l’affaire devait normalement être prise, aucun député n’a formé d’opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d’opposition l’affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l'unanimité se rallie à cette proposition, l'affaire en question est portée à l'ordre du jour avec la mention „sans débats“.<br><br>(6) Si, avant le début de la séance où l'affaire devait normalement être prise, aucun député n'a formé d'opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d'opposition l'affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l’unanimité se rallie à cette proposition, l’affaire en question est portée à l’ordre du jour avec la mention «sans débats».<br><br>(6) Si, avant le début de la séance où l’affaire devait normalement être prise, aucun député n’a formé d’opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d’opposition l’affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l’unanimité se rallie à cette proposition, l’affaire en question est portée à l’ordre du jour avec la mention «sans débats».<br><br>(6) Si, avant le début de la séance où l’affaire devait normalement être prise, aucun député n’a formé d’opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d’opposition l’affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l’unanimité se rallie à cette proposition, l’affaire en question est portée à l’ordre du jour avec la mention «sans débats».<br><br>(6) Si, avant le début de la séance où l’affaire devait normalement être prise, aucun député n’a formé d’opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d’opposition l’affaire sera refixée au prochain ordre du jour de la | (5) Si la Conférence des Présidents statuant à l'unanimité se rallie à cette proposition, l'affaire en question est portée à l'ordre du jour avec la mention "sans débats".<br><br>(6) Si, avant le début de la séance où l'affaire devait normalement être prise, aucun député n'a formé d'opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d'opposition l'affaire sera refixée au prochain ordre du jour | (5) Si la Commission de Travail statuant à l'unanimité se rallie à cette proposition, l'affaire en question est portée à l'ordre du jour avec la mention "sans débats".<br><br>(6) Si, avant le début de la séance où l'affaire devait normalement être prise, aucun député n'a formé d'opposition auprès du Président de la Chambre, il sera fait droit à la demande de la commission.<br><br>(7) En cas d'opposition l'affaire sera refixée au prochain ordre du jour de la |

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| Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. | de la Chambre où elle sera traitée suivant la procédure normale. | Chambre où elle sera traitée suivant la procédure normale. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| a) Du second vote réglementaire<br><br>Art. 74.- (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 74. (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 74. (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 74.- (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 74. (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 70. (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif :<br>1. les dispositions nouvellement introduites au projet dans le cours des débats ;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées; 4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 70. (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif :<br>1. les dispositions nouvellement introduites au projet dans le cours des débats ;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées; 4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 70.- (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions | a) Du second vote réglementaire<br><br>Art. 70.- (1) Seront soumis, avant le vote sur l'ensemble, à une nouvelle discussion et à un vote définitif:<br>1. les dispositions nouvellement introduites au projet dans le cours des débats;<br>2. les amendements adoptés;<br>3. les dispositions primitives rejetées;<br>4. les articles modifiés de quelque manière que ce soit;<br>5. toutes les dispositions |

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| qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises avant que le Conseil d'Etat n'ait été entendu. | qui auront été admises, même d'accord avec le Gouvernement, mais avant que le Conseil d'Etat n'ait été entendu. |
| (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. | (2) Toutes propositions et tous amendements étrangers à ce second vote sont interdits. |
| (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents, ~~et~~ | (3) Il s'écoulera au moins un jour franc entre la séance du second vote et celle dans laquelle les derniers articles de la proposition auront été votés, à moins que la Chambre, à la majorité des deux tiers des membres présents et |

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| n'en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l'ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 75. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d'accord avec | n’en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l’ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 75. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d’accord avec | n’en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l’ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 75. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d’accord avec | n'en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l'ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 75. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d'accord avec | n’en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l’ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 75. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d’accord avec | n’en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l’ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 71. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d’accord avec | n’en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l’ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 71. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d’accord avec | ~~d'accord avec le Gouvernement,~~ n'en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l'ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Ou second vote constitutionnel<br><br>Art. 71. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d'accord avec | d'accord avec le Gouvernement, n'en décide autrement.<br><br>(4) La Chambre procédera, immédiatement après ce second vote, au vote sur l'ensemble du projet de loi.<br><br>(5) Les dispositions du présent article sont applicables aux projets de loi soumis au second vote constitutionnel.<br><br>b) Du second vote constitutionnel<br><br>Art. 71. Toutes les lois sont soumises à un second vote, à moins que la Chambre, d'accord avec |

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| le Conseil d'Etat, siégeant en séance publique, n'en décide autrement.<br><br>Art. 76.- (1) Après le vote sur l'ensemble d'un projet de loi, le Président consulte la Chambre sur la question de savoir „s'il y a lieu ou s'il n'y a pas lieu à second vote“.<br><br>(2) Si la Chambre décide qu'il n'y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d'Etat, et dans le cas où le Conseil d'Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d’Etat, siégeant en séance publique, n’en décide autrement.<br><br>Art. 76. (1) Après le vote sur l’ensemble d’un projet de loi, le Président consulte la Chambre sur la question de savoir «s’il y a lieu ou s’il n’y a pas lieu à second vote».<br><br>(2) Si la Chambre décide qu’il n’y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d’Etat, et dans le cas où le Conseil d’Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d’Etat,siégeant en séance publique, n’en décide autrement.<br><br>Art. 76. (1) Après le vote sur l’ensemble d’un projet de loi, le Président consulte la Chambre sur la question de savoir «s’il y a lieu ou s’il n’y a pas lieu à second vote».<br><br>(2) Si la Chambre décide qu’il n’y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d’Etat, et dans le cas où le Conseil d’Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d'Etat, siégeant en séance publique, n'en décide autrement.<br><br>Art. 76.- (1) Après le vote sur l'ensemble d'un projet de loi, le Président consulte la Chambre sur la question de savoir „s'il y a lieu ou s'il n'y a pas lieu à second vote“.<br><br>(2) Si la Chambre décide qu'il n'y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d'Etat, et dans le cas où le Conseil d'Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d’Etat, siégeant en séance publique, n’en décide autrement.<br><br>Art. 76. (1) Après le vote sur l’ensemble d’un projet de loi, le Président consulte la Chambre sur la question de savoir «s’il y a lieu ou s’il n’y a pas lieu à second vote».<br><br>(2) Si la Chambre décide qu’il n’y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d’Etat, et dans le cas où le Conseil d’Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d’Etat, siégeant en séance publique, n’en décide autrement.<br><br>Art. 72. (1) Après le vote sur l’ensemble d’un projet de loi, le Président consulte la Chambre sur la question de savoir «s’il y a lieu ou s’il n’y a pas lieu à second vote».<br><br>(2) Si la Chambre décide qu’il n’y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d’Etat, et dans le cas où le Conseil d’Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d’Etat, siégeant en séance publique, n’en décide autrement.<br><br>Art. 72. (1) Après le vote sur l’ensemble d’un projet de loi, le Président consulte la Chambre sur la question de savoir «s’il y a lieu ou s’il n’y a pas lieu à second vote».<br><br>(2) Si la Chambre décide qu’il n’y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d’Etat, et dans le cas où le Conseil d’Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d'Etat, siégeant en séance publique, n'en décide autrement.<br><br>Art. 72.- (1) Après le vote sur l'ensemble d'un projet de loi, le Président consulte la Chambre sur la question de savoir "s'il y a lieu ou s'il n'y a pas lieu à second vote".<br><br>(2) Si la Chambre décide qu'il n'y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d'Etat, et dans le cas où le Conseil d'Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du | le Conseil d'Etat, siégeant en séance publique, n'en décide autrement.<br><br>Art. 72.- (1) Après le vote sur l'ensemble d'un projet de loi, le Président consulte la Chambre sur la question de savoir "s'il y a lieu ou s'il n'y a pas lieu à second vote".<br><br>(2) Si la Chambre décide qu'il n'y a pas lieu à second vote, le projet de loi est renvoyé au Conseil d'Etat, et dans le cas où le Conseil d'Etat se rallie à la décision de la Chambre, le projet de loi est définitivement dispensé du |

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| second vote.<br><br>Art. 77.- (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 78.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 77. (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 78. Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 77. (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 78. Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 77.- (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 78.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 77. (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 78. Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 73. (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 74.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 73. (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 74.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 73.- (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 74.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la | second vote.<br><br>Art. 73.- (1) Lorsque la Chambre ou le Conseil d'Etat aura décidé qu'il y a lieu à second vote, il n'y sera procédé qu'au moins trois mois après le premier vote.<br><br>(2) Les dispositions du présent règlement concernant les projets de loi présentés à la Chambre seront observées à cette occasion.<br><br>Art. 74.- Dans tous les cas où la Chambre se sera prononcée en faveur de la dispense du second vote, la décision du Conseil d'Etat concernant la |

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| dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. | dispense du second vote sera communiquée à la Chambre. |

## 1.3. Questions, interpellations and motions

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 79.-<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 79.<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 79.<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 79.-<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 79.<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 75.-<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 75.-<br>(1) Chaque député a le droit de poser des questions au Gouvernement.<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans | TITRE III<br>Des questions, des motions, des ré-solutions, des interpellations et des débats<br><br>Chapitre 1<br>Des questions<br>a) Dispositions générales<br><br>Art. 75.-<br>(1) Chaque député a le droit de poser des questions au Gouvernement<br><br>(2) Le texte des questions doit se restreindre aux termes indispensables pour formuler avec concision et sans |

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| commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe | commentaires l'objet de la question.<br><br>(3) La recevabilité des questions est fonction de l'intérêt général, de l'importance ou de l'actualité de leur objet.<br><br>(4) Le Président de la Chambre est seul juge de la recevabilité des questions. En cas de contestation des motifs d'ir-recevabilité, le Président consulte la Conférence des Présidents pour avis. La décision définitive du Président ne donne pas lieu à recours devant un autre organe |

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| parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 80.- (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent. Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 80. (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 80. (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 80.- (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 80. (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 76.- (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 76.- (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance | parlementaire.<br><br>(5) Une question, à laquelle le Ministre compétent a fourni une réponse, ne peut être représentée dans les mêmes conditions au cours de la même session.<br><br>b) Questions et réponses écrites<br>Art. 76.- (1) Le député qui désire poser une question au Gouvernement, en remet le texte écrit au Président de la Chambre. Le Président le transmet au Ministre compétent.<br>Il en informe la Chambre lors de la séance |

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| publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois.<br>Le Président la communique à l'auteur de la question.<br>Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois. Le Président la communique à l'auteur de la question. Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la | publique suivant le dépôt de la question.<br><br>(2) La réponse écrite du Ministre compétent est envoyée au Président de la Chambre au plus tard dans un délai d'un mois.Le Président la communique à l'auteur de la question.<br>Il en informe la Chambre lors de la séance publique suivant la réception de la réponse.<br><br>(3) Si le Ministre compétent n'est pas en mesure de fournir sa réponse dans le délai prescrit, il en informe le Président de la |

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| Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement lors de la première séance publique de la semaine suivant | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse. Le Président de la Chambre peut accorder un délai sup-plémentaire.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement sans compter pour autant pour le quota du groupe ou de la sensibilité | Chambre tout en indiquant et les raisons d'empêche-ment et la date probable de la réponse.<br><br>(4) La question et la réponse sont intégralement publiées dans le compte rendu de la Chambre.<br><br>(5) A défaut de réponse du Ministre à une question dans le délai d'un mois, cette question pourra être posée oralement sans compter pour autant pour le quota du groupe ou de la sensibilité |

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| l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 81.- (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 81. (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 81. (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 81.- (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 81. (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 77. (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | l'expiration du délai de réponse accordé au Gouvernement par le Président de la Chambre.<br><br>c) Questions urgentes<br>Art. 77. (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | politique auquel appartient le député qui l'a posée.<br><br>c) Questions urgentes<br>Art. 77.- (1) Lorsque, pour des raisons d'urgence; un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par lui,<br><br>elle pourra | politique auquel appartient le député qui l'a posée.<br><br>c) Questions urgentes<br>Art. 77.- (1) Lorsque, pour des raisons d'urgence, un membre désire poser une question à un Ministre, il doit la communiquer par écrit au Président qui juge de sa recevabilité.<br><br>(2) Si la question est jugée recevable par le Président et si son caractère urgent est accepté par le Ministre,<br>elle pourra, après accord du Ministre, |

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| être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 82.- (1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>(3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 82. (1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>(3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 82. (1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 82.- (1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 82. (1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 78.(1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 78.(1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes.<br><br>3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 78.(1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. | être posée au moment fixé par le Président. Son développement ne pourra dépasser cinq minutes.<br><br>(3) Au cas où il n'y a pas de séance de la Chambre, le Ministre donnera une réponse écrite dans un délai d'une semaine.<br><br>d) Questions avec débat<br>Art. 78.(1) La Chambre réserve, pendant les semaines où elle siège, une partie de séance publique à des questions avec débat. |

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| (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 79.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 79.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 79.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 79.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 79.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 75.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 75.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 75.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. | (2) Les députés qui demandent que leur question soit traitée de cette façon doivent le signaler dans le libellé de la question, qui sera par ailleurs conforme à l'article 75.<br><br>(3) Le nombre des questions sera limité par session pour chaque groupe politique et pour chaque sensibilité politique au double du nombre de leurs membres.<br><br>(4) Le Président fait parvenir les questions avec débat au moins 2 semaines en avance au Gouvernement. |

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| (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. Le temps de parole global de l'auteur de la question est de 5 minutes et celui du Gouvernement de 10 minutes; ce temps de parole comprend la question et la | (5) En séance publique le député donne lecture du libellé de sa question. Un membre du Gouvernement y répond. Le député peut y ajouter une question orale complé-mentaire en rapport avec la réponse du Ministre et libellée succinctement. Le Ministre pourra y répondre également de façon succincte. |

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| réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 83.- (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 83. (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 83. (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 83.- (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 83. (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 78-1.- (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 78-1.- (1) Sauf décision contraire de la Conférence des Présidents, l'heure de questions a lieu chaque mardi, en début de séance,<br><br>pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général ou d'actualité | réponse comp-lémentaires.<br><br>e) Heure de questions<br>Art. 78-1.- (1) La Commission de Travail fixe, par session, les dates où la Chambre réserve une heure de questions en séance publique.<br>En règle générale, l'heure de questions a lieu une fois par mois pendant les semaines où la Chambre siège.<br><br>(2) Le Gouvernement est interrogé par les députés sur des sujets d'intérêt général définis dans la |

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| politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | politique, à l'exception de questions d'ordre purement technique.<br><br>(3) Le Président de la Chambre des Députés veille à l'équilibre entre les questions posées par des membres de la majorité parlementaire et celles posées par des membres de l'opposition parlementaire.<br><br>(4) L'objet de la question, | déclaration sur le programme gouvernementa l ou dans les orientations contenues dans la déclaration sur l'état de la Nation ou dans la déclaration sur la politique étrangère, auxquelles les députés doivent se référer.<br><br>(3) L'ensemble des groupes politiques de la majorité parlementaire disposent de trois questions par heure de questions. Il en est de même pour l'ensemble des groupes politiques de l'opposition parlementaire.<br><br>(4) Les questions |

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| avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | avec indication du Ministre compétent, doit être soumis par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure de questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à 2 minutes par question, le temps de réponse du Gouvernement est limité à 4 minutes.<br><br>(6) Le | doivent être soumises par écrit au Président de la Chambre des Députés au moins trois heures avant l'heure des questions. Le Président est seul juge de la recevabilité des questions par rapport au paragraphe (2) du présent article.<br><br>(5) Le temps de parole du député pour exposer la question est fixé à deux minutes par question, le temps de réponse du Gouvernement est limité à huit minutes.<br><br>(6) Le |

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| Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 84.- (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 84. (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 84. (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 84.- (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 84. (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 78-2.- (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>(7) Les questions qui, par manque de temps, n'auraient pu être posées lors de l'heure de questions, seront considérées comme retirées. Ces questions pourront être réintroduites lors d'une heure de questions ultérieure.<br><br>f) Heure d'actualité<br>Art. 78-2.- (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire.<br><br>f) Heure d'actualité<br>Art. 78-2.- (1) Sauf décision contraire de la | Président de la Chambre accorde alternativement la parole à un député d'un groupe de la majorité et de l'opposition parlementaire. |

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| Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | Conférence des Présidents, l'heure d'actualité a lieu le mardi, après l'heure de questions, pendant les semaines où la Chambre siège, au cas où l'heure d'actualité aura été demandée au plus tard le jeudi précédent par un groupe politique.<br><br>(2) Le temps de parole est de 10 minutes pour le groupe politique qui est à l'origine de l'heure d'actualité, de 5 minutes pour les autres groupes politiques, de 2 minutes pour chaque sensibilité politique ne faisant pas partie d'un | |

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| groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement.<br><br>(3) L'heure d'actualité qui n'aurait pu être mise à l'ordre du jour de la Chambre au plus tard 3 semaines suivant la demande devient caduque. | groupe, ainsi que de 15 minutes pour le Gouvernement. | |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 3<br>Des interpellations<br>Art. 88.- (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 88. (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 88. (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 88.- (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 88. (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 82.- (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interp1ellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 82.- (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interp1ellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul | Chapitre 3<br>Des interpellations<br>Art. 82.- (1) Chaque député a le droit d'interpeller le Gouvernement.<br><br>(2) Le membre qui se propose d'interpeller le Gouvernement fait connaître au Président l'objet de son interpellation par une déclaration écrite dans laquelle il spécifiera les éléments faisant l'objet de son interpellation.<br><br>(3) La demande d'interpellation ne peut être introduite que par un seul |

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| membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite et la Conférence des Présidents fixe la date de l'interpellation.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande, sauf accord de l'interpellateur.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation | membre.<br><br>(4) Le Président donne lecture de la déclaration écrite, et la date de l'interpellation sera fixée par la Chambre, d'accord avec le Gouvernement.<br><br>(5) L'interpellation devra être évacuée endéans les six mois de l'introduction de la demande.<br><br>(6) L'interpellation devra se limiter à des questions d'intérêt public.<br><br>(7) Toute interpellation |

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| sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 89.- La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 89. La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 89. La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 89.- La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 89. La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 83.- La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 83.- La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>(9) L'interpellateur prendra la parole le premier. Sans préjudice de l'article 80 de la Constitution, le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Art. 83.- La Conférence des Présidents peut décider qu'une demande d'interpellation est transformée | sera épuisée dans la séance où elle a été développée, à moins que la Chambre n'en décide autrement.<br><br>(8) Le droit de prendre la parole comme auteur de l'interpellation est personnel.<br><br>Art. 83.- La Commission de Travail peut décider qu'une demande d'interpellation est transformée |

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| en un débat d'orientation tombant sous l'application de l'article 91, en un débat organisé suivant les dispositions de l'article 84 (2) ou en une question tombant sous l'application de l'article 82 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 91, en un débat organisé suivant les dispositions de l'article 84 (2) ou en une question tombant sous l'application de l'article 82 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 91, en un débat organisé suivant les dispositions de l'article 84 (2) ou en une question tombant sous l'application de l'article 82 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 91, en un débat organisé suivant les dispositions de l'article 84 (2) ou en une question tombant sous l'application de l'article 82 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 91, en un débat organisé suivant les dispositions de l'article 84 (2) ou en une question tombant sous l'application de l'article 82 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 85, en un débat organisé suivant les dispositions de l'article 78-2 (2) ou en une question tombant sous l'application de l'article 78 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 85, en un débat organisé suivant les dispositions de l'article 78-2 (2) ou en une question tombant sous l'application de l'article 78 du présent règlement. | en un débat d'orientation tombant sous l'application de l'article 85 du présent Règlement ou en une question tombant sous l'application de l'article 78 du présent règlement. | en une question tombant sous l'application de l'article 78 du présent règlement. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010** | **2010** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 4 Du débat de consultation Art. 90.- (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 90. (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 90. (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 90.- (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 90. (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 84.- (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 84.- (1) La Chambre peut organiser des débats de consultation à la demande du Gouvernement. | Chapitre 4 Du débat de consultation Art. 84.- (1) La Chambre peut organiser des débats de consultation à l'initiative du Gouvernement, ~~soit sur initiative de cinq députés au moins.~~ | Chapitre 4 Du débat d'actualité Art. 84.- (1) La Chambre peut organiser des débats d'actualité, soit sur initiative du Gouvernement, soit sur initiative de cinq députés au moins. |
| (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 37. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 37. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 37. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 37. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 37. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 35. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 35. | (2) Pour ce débat, le temps de parole global est fixé conformément à l'article 35. | (2) La Chambre peut décider de tenir un débat d'actualité suite à une déclaration du Gouvernement. |
| (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Le Gouvernement prendra la parole le premier. | (3) Cinq députés au moins peuvent demander au Président de faire tenir un débat |

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| | | | | | | | | d'actualité sur un sujet d'intérêt général déterminé. Ils lui adressent à cet effet un questionnaire détaillé sur ce sujet. Le Président en saisit la Commission de Travail qui décide, sans recours à un autre organe parlementaire, si le questionnaire sera traité sous forme de débat d'actualité ou sous forme de question conformément aux articles 76 et 78 du présent règlement. Si la Commission de Travail décide de faire tenir un débat d'actualité, le questionnaire |

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| | | | | | | | | est adressé au Gouvernement avec l'invitation d'y répondre par écrit dans un délai déterminé. Dès réception de la réponse, celle-ci est distribuée ensemble avec le questionnaire à tous les députés en vue du débat d'actualité. |
| Chapitre 5<br>Du débat d'orientation<br>Art. 91.- (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 91. (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 91. (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 91.- (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 91. (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 85.- (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 85.- (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 85.- (1) La Chambre peut, à l'initiative de cinq députés au moins, organiser un débat d'orientation sur un sujet d'intérêt général | Chapitre 5<br>Du débat d'orientation<br>Art. 85.- (1) La Chambre peut<br><br>organiser un débat d'orientation sur un sujet d'intérêt général |

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| déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 37.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 37.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 37.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 37.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 37.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat ~~par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.~~<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle peut charger une commission d'élaborer un rapport détaillé sur le sujet en question. Les députés qui proposent l'organisation d'un débat d'orientation, font connaître au Président l'objet du débat par une déclaration écrite dans laquelle ils spécifieront les éléments faisant l'objet du débat.<br><br>(2) La discussion en séance publique ~~sur ce rapport~~ sera réglée conformément à l'article 35.<br><br>(3) Le groupe ayant demandé | déterminé. A cette fin, elle charge une commission d'élaborer un rapport détaillé sur le sujet en question.<br><br>(2) La discussion en séance publique sur ce rapport sera réglée conformément à l'article 35.<br><br> |

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| le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu. | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu.<br><br>~~Chapitre 6~~<br>~~Du débat sur la politique étrangère~~<br>~~Art. 86.- (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.~~<br><br>~~(2) La discussion en séance publique sera réglée conformément à l'article 35.~~ | le débat prendra la parole le premier. Le membre du Gouvernement prendra la parole en dernier lieu.<br><br>Chapitre 6<br>Du débat sur la politique étrangère<br>Art. 86.- (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35. | Chapitre 6<br>Du débat sur la politique étrangère<br>Art. 86.- (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35. |

## 1.4. Budgetary procedures in the Rules of Procedures of the Chamber

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 92.-<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 92.<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 92.<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 92.-<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 92.<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 87.-<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 87.-<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à | TITRE IV De la procédure budgétaire<br>Chapitre 1 Définition<br><br>Art. 87.-<br>La Chambre des Députés examine et discute les options politiques et financières du Gouvernement dans le cadre de la procédure budgétaire qui comprend:<br>1) le débat à l'occasion de l'exposé gouverne-mental sur l'état de la nation<br>2) le débat sur la politique financière et budgétaire à |

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| l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. | l'occasion de l'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat<br>3) le débat à l'occasion de l'examen du projet de loi portant approbation des comptes généraux de l'Etat. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 93.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 94.- La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 93.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 94. La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 93.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 94. La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 93.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 94.- La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 93.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 94. La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 88.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 89.- La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 88.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 89.- La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. | Chapitre 2<br>Débat sur l'état de la nation<br>Déclaration sur l'état de la nation<br><br>Art. 88.<br>Chaque année, au cours du premier semestre, le Président du Gouvernement fait à la Chambre une déclaration de politique générale sur l'état de la nation.<br><br>Débat général<br>Art. 89.- La déclaration est suivie d'un débat général. Ce débat général est évacué dans l'espace d'une semaine. |

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| Temps de parole<br>Art. 95.- Pour le débat général défini à l'article 94, le temps de parole global est fixé conformément à l'article 37. | Temps de parole<br>Art. 95. Pour le débat général défini à l'article 94, le temps de parole global est fixé conformément à l'article 37. | Temps de parole<br>Art. 95. Pour le débat général défini à l'article 94, le temps de parole global est fixé conformément à l'article 37. | Temps de parole<br>Art. 95.- Pour le débat général défini à l'article 94, le temps de parole global est fixé conformément à l'article 37. | Temps de parole<br>Art. 95. Pour le débat général défini à l'article 94, le temps de parole global est fixé conformément à l'article 37. | Temps de parole<br>Art. 90.- Pour le débat général défini à l'article 89, le temps de parole global est fixé conformément à l'article 35. | Temps de parole<br>Art. 90.- Pour le débat général défini à l'article 89, le temps de parole global est fixé conformément à l'article 35. | Temps de parole<br>Art. 90.- Pour le débat général défini à l'article 89, le temps de parole global est fixé conformément à l'article 35. | Temps de parole<br>Art. 90.- Pour le débat général défini à l'article 89, il est fixé un temps de parole global réparti comme suit:<br>groupes politiques pris individuellement: 2 heures<br>sensibilités politiques prises dans leur ensemble: 2 heures<br>Gouverne-ment, sans préjudice de l'article 80 de la Constitution. |
| Art. 96.- Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 96. Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 96. Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 96.- Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 96. Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 91.- I1 est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 91.- I1 est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 91.- I1 est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur | Art. 91.- Il est loisible aux groupes politiques et aux sensibilités politiques de présenter autant d'orateurs que bon leur |

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| semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti. | semble dans le cadre du temps global leur imparti.<br><br>Art. 92.- (aboli)<br><br>Art. 93.- (aboli) | semble dans le cadre du temps global leur imparti.<br><br>Art. 92.- Pour la discussion des résolutions et motions, il est attribué à chaque groupe politique ainsi qu'aux sensibilités politiques prises dans leur ensemble un temps de parole global supplémentaire de 40 minutes.<br><br>Débat d'actualité d'un Ministère<br>Art. 93.- A la demande de 5 députés au moins, un débat d'actualité d'un Ministère peut être fixé à l'ordre du jour de la Chambre en cours |

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| | | | | | | | | d'année. Le nombre de ces débats d'actualité d'un Ministère est limité à un par an pour chaque Ministère. |
| | | | | | | | Art. 94.- (aboli) | Art. 94.- Un débat d'actualité sur un Ministère déterminé doit être mis obligatoirement à l'ordre du jour de la Chambre si au moins 15 députés le demandent, à condition toutefois que le Ministère en question n'ait pas déjà fait l'objet d'un tel débat d'actualité au cours de la même année. |
| | | | | | | | Art. 95.- (aboli) | Art. 95.- Le temps de parole pour les débats |

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| Consultation de la Commission des Finances et du Budget<br>Art. 97.- Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 98.- Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 97. Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 98. Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 97. Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 98. Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 97.- Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 98.- Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 97. Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 98. Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 96. Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 97. Les rapports écrits des Ministères sur l'activité de l'exercice | Consultation de la Commission des Finances et du Budget<br>Art. 96. Au moment où le Gouvernement s'apprête à arrêter les orientations budgétaires fondamentales pour le budget de l'année subséquente par sa circulaire budgétaire, il consulte et entend auparavant la Commission des Finances et du Budget en son avis.<br><br>Rapports d'activité et orientations budgétaires<br>Art. 97. Les rapports écrits des Ministères sur l'activité de l'exercice | Art. 96.- (aboli)<br><br>Rapports d'activité<br><br>Art. 97.- Les rapports écrits des Ministères sur l'activité de l'exercice | d'actualité d'un Ministère est celui défini à l'article 35(6).<br><br>Art. 96.- Un débat d'actualité d'un Ministère peut faire l'objet d'une préparation préalable au sein des commissions parlementaires compétentes.<br><br>Rapports d'activité<br><br>Art. 97.- Les rapports écrits des Ministères sur l'activité de l'exercice |

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| précédent<br><br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent<br><br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent<br><br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent ~~ainsi que les orientations budgétaires futures~~<br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent ainsi que les orientations budgétaires futures<br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent ainsi que les orientations budgétaires futures<br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard. | précédent ainsi que les orientations budgétaires futures<br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard.<br><br>~~Documents d'orientation budgétaire Art. 98.- Les Ministres mettent à la disposition de; la Chambre trois semaines au plus tard avant la déclaration du Président du Gouvernement sur l'état de la nation des documents succincts sur les propositions de l'orientation budgétaire future des Ministères~~ | précédent<br><br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard.<br><br>Documents d'orientation budgétaire Art. 98.- Les Ministres mettent à la disposition de la Chambre trois semaines au plus tard avant la déclaration du Président du Gouvernement sur l'état de la nation des documents succincts sur les propositions de l'orientation budgétaire future des Ministères | précédent<br><br>doivent être mis à la disposition de la Chambre avant le 1er mars au plus tard.<br><br>Documents d'orientation budgétaire Art. 98.- Les Ministres mettent à la disposition de la Chambre trois semaines au plus tard avant la déclaration du Président du Gouvernement sur l'état de la nation des documents succincts sur les propositions de l'orientation budgétaire future des Ministères |

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| | | | | | | ~~dont ils ont la charge. Le Ministre du Trésor est invité à inclure dans son document une récente statistique sur l'évolution de la trésorerie de l'Etat.~~ | dont ils ont la charge. Le Ministre du Trésor est invité à inclure dans son document une récente statistique sur l'évolution de la trésorerie de l'Etat. | dont ils ont la charge. Le Ministre du Trésor est invité à inclure dans son document une récente statistique sur l'évolution de la trésorerie de l'Etat. |

| Legislature 3 (CSV/LSAP II) | | | Legislature 2 (CSV/LSAP I) | | | Legislature 1 (CSV/DP) | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 3<br>Débat sur la politique financière et budgétaire<br><br>Nouveaux projets d'infra-structure<br>Art. 99.- Le Gouvernement saisit le 30 juin au plus tard la Chambre des Députés d'une liste de projets prioritaires à construire par l'Etat au cours des exercices suivants et dont le coût dépasse le seuil prévu par l'article 99 de la Constitution.<br><br>Art. 100.- Les commissions compétentes sont chargées de l'examen de cette liste. Ces | Chapitre 3<br>Débat sur la politique financière et budgétaire<br><br>Nouveaux projets d'infra-structure<br>Art. 99. Le Gouvernement saisit le 30 juin au plus tard la Chambre des Députés d'une liste de projets prioritaires à construire par l'Etat au cours des exercices suivants et dont le coût dépasse le seuil prévu par l'article 99 de la Constitution.<br><br>Art. 100. Les commissions compétentes sont chargées de l'examen de cette liste. Ces | Chapitre 3<br>Débat sur la politique financière et budgétaire<br><br>Nouveaux projets d'infra-structure<br>Art. 99. Le Gouvernement saisit le 30 juin au plus tard la Chambre des Députés d'une liste de projets prioritaires à construire par l'Etat au cours des exercices suivants et dont le coût dépasse le seuil prévu par l'article 99 de la Constitution.<br><br>Art. 100. Les commissions compétentes sont chargées de l'examen de cette liste. Ces | Chapitre 3<br>Débat sur la politique financière et budgétaire<br><br>Nouveaux projets d'infra-structure<br>Art. 99.- Le Gouvernement saisit le 30 juin au plus tard la Chambre des Députés d'une liste de projets prioritaires à construire par l'Etat au cours des exercices suivants et dont le coût dépasse le seuil prévu par l'article 99 de la Constitution.<br><br>Art. 100.- Les commissions compétentes sont chargées de l'examen de cette liste. Ces | Chapitre 3<br>Débat sur la politique financière et budgétaire<br><br>Nouveaux projets d'infra-structure<br>Art. 99. Le Gouvernement saisit le 30 juin au plus tard la Chambre des Députés d'une liste de projets prioritaires à construire par l'Etat au cours des exercices suivants et dont le coût dépasse le seuil prévu par l'article 99 de la Constitution.<br><br>Art. 100. Les commissions compétentes sont chargées de l'examen de cette liste. Ces | Chapitre 3<br>Débat sur la politique financière et budgétaire | Chapitre 3<br>Débat sur la politique financière et budgétaire | Chapitre 3<br>Le débat sur la politique financière et budgétaire |

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| commissions peuvent saisir pour avis d'autres commissions parlementaires.<br><br>Art. 101.- Les rapports des commissions, ainsi que le cas échéant les rapports pour avis d'autres commissions parlementaires, sont présentés à la Chambre lors d'une séance publique au cours de la deuxième semaine d'octobre au plus tard.<br><br>Art. 102.- La Chambre adopte les motions comprenant les nouveaux projets d'infrastructure auxquels elle donne son | commissions peuvent saisir pour avis d'autres commissions parlementaires.<br><br>Art. 101. Les rapports des commissions, ainsi que le cas échéant les rapports pour avis d'autres commissions parlementaires, sont présentés à la Chambre lors d'une séance publique au cours de la deuxième semaine d'octobre au plus tard.<br><br>Art. 102. La Chambre adopte les motions comprenant les nouveaux projets d'infrastructure auxquels elle donne | commissions peuvent saisir pour avis d'autres commissions parlementaires.<br><br>Art. 101. Les rapports des commissions, ainsi que le cas échéant les rapports pour avis d'autres commissions parlementaires, sont présentés à la Chambre lors d'une séance publique au cours de la deuxième semaine d'octobre au plus tard.<br><br>Art. 102. La Chambre adopte les motions comprenant les nouveaux projets d'infrastructure auxquels elle donne | commissions peuvent saisir pour avis d'autres commissions parlementaires.<br><br>Art. 101.- Les rapports des commissions, ainsi que le cas échéant les rapports pour avis d'autres commissions parlementaires, sont présentés à la Chambre lors d'une séance publique au cours de la deuxième semaine d'octobre au plus tard.<br><br>Art. 102.- La Chambre adopte les motions comprenant les nouveaux projets d'infrastructure auxquels elle donne son | commissions peuvent saisir pour avis d'autres commissions parlementaires.<br><br>Art. 101. Les rapports des commissions, ainsi que le cas échéant les rapports pour avis d'autres commissions parlementaires, sont présentés à la Chambre lors d'une séance publique au cours de la deuxième semaine d'octobre au plus tard.<br><br>Art. 102. La Chambre adopte les motions comprenant les nouveaux projets d'infrastructure auxquels elle donne | | | | |

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| accord de principe et dont la Chambre demande l'inscription dans la loi budgétaire afin que le Gouvernement puisse engager les frais nécessaires à des études en vue de l'établissement de l'avant-projet sommaire, de l'avant-projet détaillé, du dossier d'autorisation et, le cas échéant, des cahiers des charges nécessaires pour la mise en adjudication publique.<br><br>Dépôt du projet de loi Art. 103.- Le Ministre ayant dans ses | son accord de principe et dont la Chambre demande l'inscription dans la loi budgétaire afin que le Gouvernement puisse engager les frais nécessaires à des études en vue de l'établissement de l'avant-projet sommaire, de l'avant-projet détaillé, du dossier d'autorisation et, le cas échéant, des cahiers des charges nécessaires pour la mise en adjudication publique.<br><br>Dépôt du projet de loi Art. 103. Le Ministre ayant dans ses | son accord de principe et dont la Chambre demande l'inscription dans la loi budgétaire afin que le Gouvernement puisse engager les frais nécessaires à des études en vue de l'établissement de l'avant-projet sommaire, de l'avant-projet détaillé, du dossier d'autorisation et, le cas échéant, des cahiers des charges nécessaires pour la mise en adjudication publique.<br><br>Dépôt du projet de loi Art. 103. Le Ministre ayant dans ses | accord de principe et dont la Chambre demande l'inscription dans la loi budgétaire afin que le Gouvernement puisse engager les frais nécessaires à des études en vue de l'établissement de l'avant-projet sommaire, de l'avant-projet détaillé, du dossier d'autorisation et, le cas échéant, des cahiers des charges nécessaires pour la mise en adjudication publique.<br><br>Dépôt du projet de loi Art. 103.- Le Ministre ayant dans ses | son accord de principe et dont la Chambre demande l'inscription dans la loi budgétaire afin que le Gouvernement puisse engager les frais nécessaires à des études en vue de l'établissement de l'avant-projet sommaire, de l'avant-projet détaillé, du dossier d'autorisation et, le cas échéant, des cahiers des charges nécessaires pour la mise en adjudication publique.<br><br>Dépôt du projet de loi Art. 103. Le Ministre ayant dans ses | Dépôt du projet de loi Art. 99.- Le Ministre ayant dans ses | Dépôt du projet de loi Art. 99.- Le Ministre ayant dans ses | Dépôt du projet de loi Art. 99.- Le Ministre ayant dans ses | Dépôt du projet de loi Art. 99.- Le Ministre ayant dans ses |

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| attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 104.- Les chambres profession-nelles, le Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 104. Les chambres profession-nelles, le Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 104. Les chambres profession-nelles, le Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 104.- Les chambres profession-nelles, le Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 104. Les chambres profession-nelles, le Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine d'octobre au plus tard.<br><br>Avis des organismes consultés Art. 100.- Les chambres profession-nelles et Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis le 15 | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine de septembre au plus tard.<br><br>Avis des organismes consultés Art. 100.- Les chambres profession-nelles et Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine de septembre au plus tard.<br><br>Avis des organismes consultés Art. 100.- Les chambres profession-nelles et Conseil d'Etat et, le cas échéant, la Cour des Comptes, sont invités à rendre leurs avis | attributions le budget de l'Etat saisit la Chambre des Députés, le Conseil d'Etat et les Chambres profession-nelles du projet de loi concernant le budget des recettes et des dépenses de l'Etat pour l'année subséquente au cours de la 3e semaine de septembre au plus tard.<br><br>Avis des organismes consultés Art. 100.- Les Chambres profession-nelles et le Conseil d'Etat<br><br>sont invités à rendre leurs avis |

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| novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 105.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 105. La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 105. La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 105.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 105. La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | novembre au plus tard.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 101.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi. | quatre respectivement six semaines au plus tard après le dépôt du projet de loi.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 101.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi.<br><br>~~Au moment où le Gouvernement s'apprête à arrêter les orientations~~ | quatre respectivement six semaines au plus tard après le dépôt du projet de loi.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 101.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi.<br>~~Elle désigne son rapporteur, pour faire rapport à la Chambre, avant la déclaration du Président du Gouvernement sur l'état de la nation.~~<br>Au moment où le Gouvernement s'apprête à arrêter les orientations | quatre respectivement six semaines au plus tard après le dépôt du projet de loi.<br><br>Travaux de la Commission des Finances et du Budget<br>Art. 101.- La Commission des Finances et du Budget est chargée de l'examen du projet de loi.<br>Elle désigne son rapporteur, pour faire rapport à la Chambre, avant la déclaration du Président du Gouvernement sur l'état de la nation.<br>Au moment où le Gouvernement s'apprête à arrêter les orientations |

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| Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | Le rapport de son rapporteur doit être approuvé au plus tard le vendredi précédant sa présentation en séance | ~~budgétaires fondamentales pour le budget de l'année subséquente, il consulte et entend auparavant la Commission des Finances et du Budget en son avis. La Commission des Finances et du Budget commence ses travaux d'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat au plus tard huit jours après le dépôt du projet de loi.~~ Le rapport de son rapporteur doit être approuvé au plus tard à la fin de la 3e semaine du mois de novembre. | budgétaires fondamentales pour le budget de l'année subséquente, il consulte et entend auparavant la Commission des Finances et du Budget en son avis. La Commission des Finances et du Budget commence ses travaux d'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat au plus tard huit jours après le dépôt du projet de loi. Le rapport de son rapporteur doit être approuvé au plus tard à la fin de la 3e semaine du mois de novembre. | budgétaires fondamentales pour le budget de l'année subséquente, il consulte et entend auparavant la Commission des Finances et du Budget en son avis. La Commission des Finances et du Budget commence ses travaux d'examen du projet de loi concernant le budget des recettes et des dépenses de l'Etat au plus tard huit jours après le dépôt du projet de loi. Le rapport de son rapporteur doit être approuvé au plus tard à la fin de la 3e semaine du mois de novembre. |

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| publique et au plus tard le 30 novembre. | publique et au plus tard le 30 novembre. | publique et au plus tard le 30 novembre. | publique et au plus tard le 30 novembre. | publique et au plus tard le 30 novembre. | publique et au plus tard le 30 novembre. | | | |
| Art. 106.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 20 du Règlement de la Chambre. | Art. 106. La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 20 du Règlement de la Chambre. | Art. 106. La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 20 du Règlement de la Chambre. | Art. 106.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 20 du Règlement de la Chambre. | Art. 106. La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 20 du Règlement de la Chambre. | Art. 102.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans lieurs exposés et explications, conformément à l'article 19 du Règlement de la Chambre. | Art. 102.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans lieurs exposés et explications, conformément à l'article 19 du Règlement de la Chambre. | Art. 102.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans lieurs exposés et explications, conformément à l'article 19 du Règlement de la Chambre. | Art. 102.- La commission peut inviter à ses réunions les membres du Gouvernement pour les entendre dans leurs exposés et explications, conformément à l'article 19 du Règlement de la Chambre. |
| Art. 107.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 107. Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 107. Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 107.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 107. Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 103.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 103.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 103.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la | Art. 103.- Les autres commissions parlementaires ont la faculté d'examiner des aspects d'ordre budgétaire, financier ou fiscal en relation avec les départements ministériels de leur compétence. Elles ont la |

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| faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 108.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 108. Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 108. Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 108.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 108. Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 104.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 104.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 104.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et | faculté de désigner un rapporteur et de présenter un rapport à l'intention de la Commission des Finances et du Budget, rapport qui sera publié avec le rapport de cette commission comme document parlementaire. D'autre part, la Commission des Finances et du Budget peut demander l'avis de telle ou telle commission sur tel ou tel problème.<br><br>Art. 104.- Chaque membre de la Chambre, les commissions parlementaires, ainsi que les groupes politiques et |

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| les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité | les sensibilités politiques ont le droit de faire parvenir à la Commission des Finances et du Budget des notes écrites, de lui poser des questions, de lui transmettre des questions à poser au Gouvernement ou à un Ministre. L'objet des questions à poser au Gouvernement ou à un Ministre doit être formulé avec concision et sans commentaires. La question doit porter sur l'objet du projet de loi. La Commission des Finances et du Budget est seule juge de la recevabilité |

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| des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 109.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 109. Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 109. Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 109.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 109. Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 105.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi qui suit l'approbation du rapport par la Commission pré-mentionnée. Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 105.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi du mois de décembre.<br><br>Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 105.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi du mois de décembre.<br><br>Le Gouvernement | des questions. Les membres du Gouvernement répondront aux questions dans les dix jours qui suivent leur réception. Les questions et les réponses sont publiées sous forme d'annexe au rapport de la commission.<br><br>Débats en séance publique<br>Art. 105.- Le rapport de la Commission des Finances et du Budget est présenté à la Chambre lors de la séance publique du premier mardi du mois de décembre.<br><br>Le Gouvernement |

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| présente le projet de loi à la Chambre lors de la séance publique du lendemain. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. ~~Si les deux séances publiques tombent au plus tard les 6 et 7 décembre, elles sont avancées d'une semaine.~~ | présente le projet de loi à la Chambre lors de la séance publique du lendemain. Si les deux séances publiques tombent au plus tard les 6 et 7 décembre, elles sont avancées d'une semaine. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. Si les deux séances publiques tombent au plus tard les 6 et 7 décembre, elles sont avancées d'une semaine. | présente le projet de loi à la Chambre lors de la séance publique du lendemain. Si les deux séances publiques tombent au plus tard les 6 et 7 décembre, elles sont avancées d'une semaine. |
| Art. 110.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 110. La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 110. La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 110.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 110. La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 106.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 106.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 106.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. | Art. 106.- La discussion du projet de loi commence à la séance publique du mardi de la semaine suivante. Elle est limitée à une semaine et ne porte que sur la politique financière et budgétaire du Gouvernement. |
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| | | | | | ~~Gouvernement propose des amendements au projet de loi, il est invité à les déposer à la Chambre au plus tard 2 semaines avant les débats en séance publique.~~ | Gouvernement propose des amendements au projet de loi, il est invité à les déposer à la Chambre au plus tard 2 semaines avant les débats en séance publique. | Gouvernement propose des amendements au projet de loi, il est invité à les déposer à la Chambre au plus tard 2 semaines avant les débats en séance publique. | Gouvernement propose des amendements au projet de loi, il est invité à les déposer à la Chambre au plus tard 2 semaines avant les débats en séance publique. |
| Temps de parole<br>Art. 111.- Le temps de parole est réparti selon les modalités de l'article 37, paragraphe (2). | Temps de parole<br>Art. 111. Le temps de parole est réparti selon les modalités de l'article 37, paragraphe (2). | Temps de parole<br>Art. 111. Le temps de parole est réparti selon les modalités de l'article 37, paragraphe (2). | Temps de parole<br>Art. 111.- Le temps de parole est réparti selon les modalités de l'article 37, paragraphe (2). | Temps de parole<br>Art. 111. Le temps de parole est réparti selon les modalités de l'article 37, paragraphe (2). | Temps de parole<br>Art. 108.- Le temps de parole est réparti selon les modalités de l'article 35, paragraphe (2). | Temps de parole<br>Art. 108.- Le temps de parole est réparti selon les modalités de l'article 35, paragraphe (2). | Temps de parole<br>Art. 108.- Le temps de parole est réparti selon les modalités de l'article 35, paragraphe (2). ~~Il est loisible aux groupes politiques et aux sensibilités politiques d'utiliser le temps global de parole leur attribué comme bon leur semble.~~<br><br>Art. 109.- (aboli) | Temps de parole<br>Art. 108.- Le temps de parole est réparti selon les modalités de l'article 35, paragraphe (2). Il est loisible aux groupes politiques et aux sensibilités politiques d'utiliser le temps global de parole leur attribué comme bon leur semble.<br><br>Art. 109.- Un député ne peut prendre la |

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| | | | | | | | | parole qu'après s'être fait inscrire comme orateur ou après l'avoir demandée et obtenue du Président. Le Président accorde la parole suivant l'ordre des demandes ou des inscriptions. Il peut déroger à cet ordre pour accorder alternativement la parole à un membre de la majorité et à un membre de l'opposition. |
| | | | | | | | Art. 110.- (aboli) | Art. 110.- Le Gouvernement prend position sur le débat après l'épuisement de la liste des orateurs inscrits. Un membre de la Chambre peut toujours |

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| | | | | | | | Art. 111.- (aboli) | obtenir la parole après un membre du Gouvernement. Dans ce cas, son temps de parole est imputé sur le temps global lui réservé ou réservé à son groupe.<br><br>Amendements parlementaires et motions<br>Art. 111.- Les amendements parlementaires et les motions doivent être motivés au moment de leur dépôt. Le temps de parole pour la motivation est imputé sur /e temps de parole global réservé à l'auteur ou réservé à son groupe ou à sa sensibilité politique. |

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| | | | | | | | Art. 112.- (aboli) | Art. 112.- Les motions et les amendements sont évacués à la fin des débats. Au cas où le Gouvernement prend encore position sur les motions, chaque groupe politique pris individuelle-ment et les diverses sensibilités politiques prises dans leur ensemble peuvent encore obtenir la parole pour un temps limité à cinq minutes afin de prendre position sur l'ensemble des motions déposées. Ce temps de parole n'est pas imputé au temps de parole global réservé aux orateurs ou aux |

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| | | | | | | | Art. 113.- (aboli) | groupes politiques et aux sensibilités politiques.<br><br>Art. 113.- L'amendement parlementaire, adopté en première lecture par la Chambre, est transmise au Conseil d'Etat selon la procédure d'urgence. Il est recommandé au Conseil d'Etat d'émettre son avis d'urgence. |
| Vote du projet de loi<br>Art. 112.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 112. Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 112. Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 112.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 112. Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 114.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 114.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 114.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois | Vote du projet de loi<br>Art. 114.- Les différents votes sur le projet de loi, prévus par le Règlement de la Chambre, ont lieu au plus tard le jeudi de la 3e semaine entière du mois |

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| de décembre. | de décembre. | de décembre. | de décembre. | de décembre. | de décembre. | de décembre. | de décembre. | de décembre. |

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 113.-<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 113.<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 113.<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 113.-<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 113.<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 115.-<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>Approbation des comptes généraux<br><br>Art. 115.-<br>Pour le 31 mai au plus tard, le projet de loi portant règlement des comptes généraux de l'exercice précédent est déposé à la Chambre des Députés par le Gouvernement.<br>Pour le 30 septembre suivant au plus tard, la Cour des Comptes communique ses observations y relatives à la Chambre des Députés. | Chapitre 4<br>L'approbation des comptes généraux<br><br>Art. 115.- Le Gouvernement est invité à déposer le projet de loi portant approbation des comptes généraux d'un exercice déterminé dans l'année de la clôture de cet exercice.<br>La procédure d'instruction et le débat en séance publique se déroulent selon les modalités fixées pour un projet de loi. |

## 1.5. Motions

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 2<br>Des motions et des résolutions<br><br>Art. 85.- (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 85. (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 85. (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 85.- (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 85. (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 79.- (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 79.- (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont | Chapitre 2<br>Des motions et des résolutions<br><br>Art. 79.- (1) Chaque député a le droit de déposer des motions adressées au Gouvernement et des résolutions adressées à la Chambre des Députés.<br><br>(2) Les motions et résolutions sont rédigées par écrit et remises au Président de la Chambre. Elles doivent être signées par cinq membres au moins. Elles sont |

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| distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins. Sans préjudice de l'article 168, pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 37 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins. Sans préjudice de l'article 168, pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 37 (7).<br><br>Si la motion ou la résolution s'inscrit dans | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 37 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 37 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 37 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 35 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 35 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est celui prévu à l'article 35 (7).<br><br>Si la motion ou la résolution | distribuées aux membres de la Chambre.<br><br>(3) La Chambre ne délibère sur aucune motion ou résolution si elle n'est appuyée par cinq membres au moins.<br><br>Pour les motions et résolutions formant seules un point de l'ordre du jour, le temps de parole est de 10 minutes pour l'auteur ainsi que pour chaque groupe politique pris individuellement et les diverses sensibilités politiques prises dans leur ensemble.<br>Si la motion ou la résolution |

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| s’inscrit dans le cadre de la discussion d’un projet ou d’une proposition de loi ou d’un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l’article 37 (2).<br><br>Art. 86.- Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | le cadre de la discussion d’un projet ou d’une proposition de loi ou d’un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l’article 37 (2).<br><br>Art. 86. Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des motions soit à | s’inscrit dans le cadre de la discussion d’un projet ou d’une proposition de loi ou d’un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l’article 37 (2).<br><br>Art. 86. Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | s'inscrit dans le cadre de la discussion d'un projet ou d'une proposition de loi ou d'un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l'article 37 (2).<br><br>Art. 86.- Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | s’inscrit dans le cadre de la discussion d’un projet ou d’une proposition de loi ou d’un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l’article 37 (2).<br><br>Art. 86. Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | s'inscrit dans le cadre de la discussion d'un projet ou d'une proposition de loi ou d'un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l'article 35 (2).<br><br>Art. 80.- Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | s'inscrit dans le cadre de la discussion d'un projet ou d'une proposition de loi ou d'un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l'article 35 (2).<br><br>Art. 80.- Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Conférence des Présidents, qui décide du renvoi des | s'inscrit dans le cadre de la discussion d'un projet ou d'une proposition de loi ou d'un débat, elle est discutée pendant le temps de parole supplémentaire accordé à chaque groupe politique et à chaque sensibilité politique conformément à l'article 35 (2).<br><br>Art. 80.- Le Président de la Chambre est seul juge de la recevabilité en la forme des motions et résolutions. En cas de contestation, il consulte la Commission de Travail, qui décide du renvoi des |

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| motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 87.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 87. Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, celle-ci est | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 87. Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 87.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 87. Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 81.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 81.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission traitant du même sujet.<br><br>Art. 81.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions traitant du même sujet, elle décide au préalable de la priorité à accorder à l'une d'elles. ~~Si aucune proposition de priorité n'est introduite, le Président la propose lui-même.~~<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, | motions soit à la Chambre, soit au Gouvernement, soit à une commission.<br><br>Art. 81.- Si la Chambre est appelée à se prononcer sur plusieurs motions ou résolutions,<br><br>elle décide au préalable de la priorité à accorder à l'une d'elles. Si aucune proposition de priorité n'est introduite, le Président la propose lui-même.<br><br>Lorsque la Chambre a adopté la priorité à accorder à une des motions ou résolutions, |

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| celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions ou résolutions. | celle-ci est mise aux voix. Son adoption entraîne la caducité des autres motions. |

## 1.6. Enquiry committees

| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
|---|---|---|---|---|---|---|---|---|
| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 20<br>De la procédure des enquêtes par-lementaires | Chapitre 20<br>De la procédure des enquêtes par-lementaires | Chapitre 20<br>De la procédure des enquêtes par-lementaires | Chapitre 20<br>De la procédure des enquêtes par-lementaires | Chapitre 20<br>De la procédure des enquêtes par-lementaires | Chapitre 14<br>De la procédure des enquêtes par-lementaires | Chapitre 14<br>De la procédure des enquêtes par-lementaires<br><br>Enquête~~s~~ par-lementaire~~s~~ | Chapitre 14<br>De la procédure des enquêtes par-lementaires<br><br>Enquête~~s~~ par-lementaire~~s~~ | Chapitre 14<br>De la procédure des enquêtes par-lementaires (Loi du 18 avril 1911)<br>Enquêtes par-lementaires |
| Art. 178.- La Chambre des Députés exerce le droit d'enquête prévu par l'article 64 de la Constitution par une commission formée dans son sein. L'enquête ne peut porter que sur une question d'intérêt public, à l'exception de toute question | Art. 178.<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 178.<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 178.-<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 178.<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 167.-<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 167.-<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 167.-<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. | Art. 167.-<br>L'exercice du droit d'enquête prévu par l'Art. 64 de la Constitution est réglé par les dispositions suivantes. |

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| d'ordre individuel ou privé. La résolution de la Chambre des Députés détermine les faits à la base de l'enquête et définit la mission de la commission. | | | | | | | | |
| Art. 179.- La création, la composition et les délibérations de la commission d'enquête se font selon les dispositions applicables aux commissions de la Chambre des Députés. | Art. 179. La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 179. La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 179.- La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 179. La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 168.- La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 168.- La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 168.- La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. | Art. 168.- La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. |
| Art. 180.- Les députés non membres de la commission ont le droit d'assister à l'enquête de la commission à moins que la | Art. 180. La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 180. La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 180.- La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans | Art. 180. La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 169.- La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 169.- La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 169.- La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles | Art. 169.- La commission est constituée et elle délibère conformément au règlement de la Chambre. Les séances dans lesquelles |

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| commission n’en décide autrement. Les réunions de la commission sont publiques. La commission peut à tout moment décider le huis clos. Les membres de la Chambre des Députés sont tenus au secret en ce qui concerne les informations recueillies à l’occasion des réunions non publiques de la commission. Toute violation de ce secret sera sanctionnée conformément au Règlement de la Chambre des Députés. La commission peut lever l’obligation de secret sauf si elle s’est expressément | les témoins ou les experts sont entendus, sont publiques à moins que la commission n’en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d’assister aux mesures d’instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n’en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d’assister aux mesures d’instruction, sans avoir toutefois le droit de prendre la parole. | lesquelles les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n’en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d’assister aux mesures d’instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. | les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. |

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| engagée à le préserver.<br>L'enquête parlementaire est contradictoire. Toute personne qui estime que l'enquête pourrait lui porter préjudice a le droit de demander à y être entendue et à voir ordonner des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité et le bien-fondé de cette demande. Les travaux de la commission se font dans le respect des droits de la défense. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. | L'enquête parlementaire est contradictoire. Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande. |
| Art. 181.- La commission ainsi que son président, pour | Art. 181. Les pouvoirs attribués à la Chambre ou à | Art. 181. Les pouvoirs attribués à la Chambre ou à | Art. 181.- Les pouvoirs attribués à la Chambre ou à | Art. 181. Les pouvoirs attribués à la Chambre ou à | Art. 170.- Les pouvoirs attribués à la Chambre ou à. | Art. 170.- Les pouvoirs attribués à la Chambre ou à. | Art. 170.- Les pouvoirs attribués à la Chambre ou à. | Art. 170.- Les pouvoirs attribués à la Chambre ou à |

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| autant que celui-ci y soit habilité par la Chambre des Députés, peuvent prendre toutes les mesures d'instruction prévues par le Code d'instruction criminelle. L'instruction menée par la commission d'enquête ne saurait porter sur des faits ayant donné lieu à des poursuites judiciaires et aussi longtemps que ces poursuites sont en cours. Si une commission a déjà été créée, sa mission prend fin dès l'ouverture d'une information judiciaire. En cas de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de | la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de |

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| poursuites judiciaires sur des faits qui font l'objet d'une enquête parlementaire, le Procureur d'Etat territorialement compétent est tenu d'en informer la Chambre des Députés. La commission peut poursuivre ses travaux d'instruction pour des faits non directement visés par l'instruction judiciaire. La commission d'enquête peut prendre connaissance et copie des pièces et documents utiles à l'exécution de sa mission détenus par des autorités ou | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. | Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspond-ances, il y a lieu à loi spéciale. |

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| établissements publics. Si ces pièces sont détenues par des autorités judiciaires, l'inspection peut se faire si elle n'est pas de nature à compromettre le secret et le déroulement de l'instruction judiciaire. | | | | | | | | |
| Art. 182.- Les citations sont faites par le ministère d'huissier ou par tout autre moyen d'information équivalent, à la requête~~, selon le cas, du Président de la Chambre,~~ du président de la commission ~~ou du magistrat-commis;~~; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 182. Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 182. Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 182.- Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 182. Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 171.- Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 171.- Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 171.- Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. | Art. 171.- Les citations sont faites par le ministère d'huissier, à la requête, selon le cas, du Président de la Chambre, du président de la commission ou du magistrat-commis; le délai sera de deux jours au moins, sauf en cas d'urgence. |

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| Art. 183.- Le ~~Président de la Chambre ou le~~ président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués aux présidents des cours et ~~des~~ tribunaux. | Art. 183. Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 183. Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 183.- Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 183. Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 172.- Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 172.- Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 172.- Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. | Art. 172.- Le Président de la Chambre ou le président de la commission aura la police des séances. Il l'exerce dans les limites des pouvoirs attribués au président de la cour et des tribunaux. |
| Art. 184.- Les outrages et les violences envers les membres de la Chambre des Députés qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. II, titre V. livre II du Code pénal, concernant les outrages et les violences envers les | Art. 184. Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. I, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 184. Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. I, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 184.- Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. I, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 184. Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. I, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 173.- Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. 1, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 173.- Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. 1, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 173.- Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. 1, titre V, livre II du code pénal, concernant les outrages et les violences envers les | Art. 173.- Les outrages et les violences envers les membres de la Chambre qui procèdent ou assistent à l'enquête sont punis conformément aux dispositions du chap. II, titre V, livre II du code pénal, concernant les outrages et les violences envers les |

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| ministres, les membres de la Chambre des Députés et les dépositaires de l'autorité et de la force publique.<br><br>Art. 185.- Les témoins, les interprètes et les experts sont soumis, devant la ~~Chambre ou la~~ commission ~~ou le magistrat-commis,~~ aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines déterminées par le Code pénal. Le serment sera prêté d'après la formule usitée devant les | Ministres, les membres de la Chambre des Députés et les dépositaires de l'autorité ou de la force publique.<br><br>Art. 185. Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: «Je | Ministres, les membres de la Chambre des Députés et les dépositaires de l'autorité ou de la force publique.<br><br>Art. 185. Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: «Je | Ministres, les membres de la Chambre des Députés et les dépositaires de l'autorité ou de la force publique.<br><br>Art. 185.- Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: "Je | Ministres, les membres de la Chambre des Députés et les dépositaires de l'autorité ou de la force publique.<br><br>Art. 185. Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: «Je | Ministres, les membres de la Chambre des Députés et 'les dépositaires de l'autorité ou de la force publique.<br><br>Art. 174.- Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: "Je | Ministres, les membres de la Chambre des Députés et 'les dépositaires de l'autorité ou de la force publique.<br><br>Art. 174.- Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule suivante: "Je | Ministres, les membres de la Chambre des Députés et 'les dépositaires de l'autorité ou de la force publique.<br><br>Art. 174.- Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines.<br><br>Le serment sera prêté d'après la formule usitée devant la cour |

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| tribunaux répressifs. Tout témoin qui, en faisant une déclaration conforme à la vérité, pourrait s'exposer à des poursuites pénales, peut refuser de témoigner. Une personne faisant l'objet d'une instruction judiciaire peut être citée comme témoin pour être entendue sur des faits, pratiques et procédures qui ne font pas l'objet de son inculpation. | jure de dire toute la vérité, rien que la vérité.» | jure de dire toute la vérité, rien que la vérité.» | jure de dire toute la vérité, rien que la vérité." | jure de dire toute la vérité, rien que la vérité.» | jure de dire toute la vérité, rien que la vérité." | jure de dire toute la vérité, rien que la vérité." | jure de dire toute la vérité, rien que la vérité." | d'assises. |
| Art. 186.- Les dispositions du Code pénal relatives au faux témoignage et à la subornation de témoins, sont | Art. 186. Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 186. Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 186.- Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 186. Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 175.- Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 175.- Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 175.- Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le | Art. 175.- Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le |

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| applicables aux témoins, interprètes et experts entendus par la commission d'enquête. | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 123,95 à 7.436,81 euro. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 123,95 à 7.436,81 euro. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 123,95 à 7.436,81 euro. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 123,95 à 7.436,81 euro. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 5.000 à 300.000 F. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 5.000 à 300.000 F. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 5.000 à 300.000 F. La même peine sera appliquée au suborneur sans préjudice d'autres | coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et d'éligibilité pendant cinq ans au moins et dix ans au plus. Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 5.000 à 300.000 F. La même peine sera appliquée au suborneur sans préjudice d'autres |

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| | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 187. Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1er du code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 187. Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1er du code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 187.- Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre Ier du code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 187. Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre Ier du code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 176.- Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1erdu code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 176.- Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1erdu code pénal | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 176.- Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1erdu code pénal ~~de même que~~ | peines. Le faux témoignage est consommé, lorsque le témoin ayant fait sa déposition a déclaré y persister. Si le témoin est appelé pour être entendu de nouveau, le faux témoignage n'est consommé que par la dernière déclaration du témoin qu'il persiste dans la déposition.<br><br>Art. 176.- Les procès-verbaux constatant les infractions seront transmis au procureur général pour y être donné telle suite que de droit. Les dispositions du livre 1erdu code pénal, de même que |

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| | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | ~~la loi du 18 juin 1879, portant attribution aux cours et tribunaux de l'appréciation des circonstances atténuantes, modifiée par celle du 16 mai 1904,~~ sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. | la loi du 18 juin 1879, portant attribution aux cours et tribunaux de l'appréciation des circonstances atténuantes, modifiée par celle du 16 mai 1904, sont applicables aux infractions prévues par la présente loi. Les amendes encourues par les témoins défaillants seront appliquées en audience publique et sans appel, par la chambre civile du tribunal d'arrondissement dans le ressort duquel se fait l'enquête. |
| Art. 187.- Les indemnités | Art. 188. Les indemnités | Art. 188. Les indemnités | Art. 188.- Les indemnités | Art. 188. Les indemnités | Art. 177.- Les indemnités | Art. 177.- Les indemnités | Art. 177.- Les indemnités | Art. 177.- Les indemnités |

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| dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 188.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre des Députés.<br><br>Art. 189.- Les procès-verbaux constatant des indices ou des indices d'infraction seront transmis au Procureur d'Etat territorialement compétent pour y être donné telle suite que de droit. La commission d'enquête | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 189. Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 189. Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 189.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 189. Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 178.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 178.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 178.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. | dues aux personnes dont le concours a été requis dans l'enquête, sont réglées conformément au tarif des frais en matière civile.<br><br>Art. 178.- Les dépenses résultant de l'enquête sont imputées sur le budget de la Chambre. |

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| présente un rapport public sur ses travaux. Elle y acte ses conclusions et formule, le cas échéant, ses observations quant aux responsabilités que l'enquête révèle et ses propositions sur une modification de la législation.<br><br>Art. 190.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre des Députés. Ils sont suspendus par la clôture de la session, à moins que la Chambre des Députés n'en décide autrement. | Art. 190. Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Il sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 190. Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Il sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 190.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 190. Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 179.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 179.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 179.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. | Art. 179.- Les pouvoirs de la commission cessent en cas de dissolution de la Chambre.<br><br>Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. |

## 1.7. European affairs

| Legislature 3 (CSV/LSAP II) | | | Legislature 2 (CSV/LSAP I) | | | Legislature 1 (CSV/DP) | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Art. 26.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 26.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 26. (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, de l'examen de projets de directives ou de règlements européens ou lors de la rédaction d'un rapport, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, d'inviter des députés européens, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, de prendre des renseigne-ments documentaires auprès d'eux, | Art. 25.- (1) A l'occasion de l'examen d'un projet de loi ou d'une proposition, il est loisible à une commission d'entendre l'avis de personnes ou d'organismes extraparle-mentaires, de prendre des renseigne-ments documentaires auprès d'eux, |

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| **Legislature 3 (CSV/LSAP II)** | | | **Legislature 2 (CSV/LSAP I)** | | | **Legislature 1 (CSV/DP)** | | |
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| **2011** | **2010_7_15** | **2010_1_19** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Chapitre 16<br>Des affaires européennes<br><br>Art. 168.-<br>(1) La coopération entre la Chambre des Députés et le Gouvernement en matière de politique européenne est régie par un aide-mémoire figurant à l'annexe 2 du présent Règlement. | Chapitre 16<br>Des affaires européennes<br><br>Art. 168.<br>(1) La coopération entre la Chambre des Députés et le Gouvernement en matière de politique européenne est régie par un aide-mémoire figurant à l'annexe 2 du présent Règlement. | Chapitre 16<br>Des affaires européennes<br><br>Art. 168.<br>(1) La coopération entre la Chambre des Députés et le Gouvernement en matière de politique européenne est régie par un aide-mémoire figurant à l'annexe 2 du présent Règlement. | Chapitre 16<br>Des affaires européennes<br><br>Art. 168.-<br>(1) La coopération entre la Chambre des Députés et le Gouvernement en matière de politique européenne est régie par un aide-mémoire figurant à l'annexe 2 du présent Règlement. | Chapitre 16<br>Des affaires européennes<br><br>Art. 168.<br>(1) Les propositions législatives de la Commission Européenne, définies par le Conseil conformément à l'article 151 paragraphe 3 du Traité instituant la Communauté Européenne, les propositions de mesures à adopter en application du titre VI du Traité sur l'Union Européenne, ainsi que les documents de consultation sont communiqués par le | Chapitre 10<br>Des affaires européennes<br><br>Art. 156.-<br>(1) Les propositions législatives de la Commission Européenne, définis par le Conseil conformément à l'article 151 paragraphe 3 du Traité instituant la Communauté Européenne, les propositions de mesures à adopter en application du titre VI du Traité sur l'Union Européenne, ainsi que les documents de consultation sont communiqués par le | Chapitre 10<br>Des affaires européennes<br><br>Art. 156.-<br>(1) Les propositions législatives de la Commission Européenne, définis par le Conseil conformément à l'article 151 paragraphe 3 du Traité instituant la Communauté Européenne, les propositions de mesures à adopter en application du titre VI du Traité sur l'Union Européenne, ainsi que les documents de consultation sont communiqués par le | - | - |

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| | | | | Gouvernement à la Chambre en temps utile pour que celle-ci puisse rendre un avis avant que le Gouvernement ne soit appelé à prendre position dans les instances européennes compétentes. | Gouvernement à la Chambre en temps utile pour que celle-ci puisse rendre un avis avant que le Gouvernement ne soit appelé à prendre position dans les instances européennes compétentes. | Gouvernement à la Chambre en temps utile pour que celle-ci puisse rendre un avis avant que le Gouvernement ne soit appelé à prendre position dans les instances européennes compétentes. | | |
| (2) | (2) | (2) ~~La Conférence des Présidents décide du renvoi en commission des documents européens, sur proposition de la commission ayant les affaires européennes dans ses attributions.~~ | (2) La Conférence des Présidents décide du renvoi en commission des documents européens, sur proposition de la commission ayant les affaires européennes dans ses attributions. | La Conférence des Présidents décide du renvoi en commission. | La Conférence des Présidents décide du renvoi en commission. | La Conférence des Présidents décide du renvoi en commission. | | |
| La délégation de la Chambre des Députés auprès d'une Convention convoquée par | La délégation de la Chambre des Députés auprès d'une Convention convoquée par | La délégation de la Chambre des Députés auprès d'une Convention convoquée par | | | | | | |

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| le Président du Conseil européen pour modifier les traités respecte la composition du Parlement.<br><br>(3) Les membres luxembourgeois du Parlement Européen peuvent être invités à assister aux réunions des commissions<br><br>lorsque celles-ci traitent des dossiers européens.<br><br>(4) Le Président décide du renvoi en commission des documents européens qui méritent un | le Président du Conseil européen pour modifier les traités respecte la composition du Parlement.<br><br>(3) Les membres luxembourgeois du Parlement européen peuvent être invités à assister aux réunions des commissions<br><br>lorsque celles-ci traitent des dossiers européens.<br><br>(4) Le Président décide du renvoi en commission des documents européens qui méritent un | le Président du Conseil européen pour modifier les traités respecte la composition du Parlement.<br><br>(3) Les membres luxembourgeois du Parlement européen peuvent être invités à assister aux réunions des commissions<br><br>lorsque celles-ci traitent des dossiers européens.<br><br>(4) Le Président décide du renvoi en commission des documents européens qui méritent un | (3) Les membres luxembourgeois du Parlement Européen peuvent être invités à assister aux réunions des commissions ~~ayant dans leurs attributions des affaires européennes~~ lorsque celles-ci traitent des dossiers européens. | (2) Les membres luxembourgeois du Parlement Européen peuvent être invités à assister aux réunions des commissions ayant dans leurs attributions des affaires européennes lorsque celles-ci traitent des dossiers européens. | (2) Les membres luxembourgeois du Parlement Européen peuvent être invités à assister aux réunions des commissions ayant dans leurs attributions des affaires européennes lorsque celles-ci traitent des dossiers européens. | (2) Les membres luxembourgeois du Parlement Européen peuvent être invités à assister aux réunions des commissions ayant dans leurs attributions des affaires européennes lorsque celles-ci traitent des dossiers européens. | | |

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| examen détaillé, sur proposition de la commission ayant les affaires européennes dans ses attributions.<br><br>(5) Chaque commission décide endéans les quatre semaines de la transmission officielle d'une proposition législative européenne, et à la majorité de ses membres, s'il y a lieu de rédiger un avis motivé concluant au non-respect du principe de subsidiarité. Chaque groupe politique ou technique et chaque sensibilité politique peut présenter un projet d'avis | examen détaillé, sur proposition de la commission ayant les affaires européennes dans ses attributions.<br><br>(5) Chaque commission décide endéans les quatre semaines de la transmission officielle d'une proposition législative européenne, et à la majorité de ses membres, s'il y a lieu de rédiger un avis motivé concluant au non-respect du principe de subsidiarité. Chaque groupe politique ou technique et chaque sensibilité politique peut présenter un projet d'avis | examen détaillé, sur proposition de la commission ayant les affaires européennes dans ses attributions.<br><br>(5) Chaque commission décide endéans les quatre semaines de la transmission officielle d'une proposition législative européenne, et à la majorité de ses membres, s'il y a lieu de rédiger un avis motivé concluant au non-respect du principe de subsidiarité. Chaque groupe politique ou technique et chaque sensibilité politique peut présenter un projet d'avis | | | | | | |

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| motivé tendant à inviter une commission à retenir le non-respect du principe de subsidiarité. Si la commission conclut à une violation du principe de subsidiarité, un projet de résolution est soumis à la Chambre siégeant en séance publique endéans le délai de huit semaines et adopté sans débat à moins que la Conférence des Présidents n'en décide autrement. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai de huit | motivé tendant à inviter une commission à retenir le non-respect du principe de subsidiarité. Si la commission conclut à une violation du principe de subsidiarité, un projet de résolution est soumis à la Chambre siégeant en séance publique endéans le délai de huit semaines et adopté sans débat à moins que la Conférence des Présidents n'en décide autrement. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai de huit | motivé tendant à inviter une commission à retenir le non-respect du principe de subsidiarité. Si la commission conclut à une violation du principe de subsidiarité, un projet de résolution est soumis à la Chambre siégeant en séance publique endéans le délai de huit semaines et adopté sans débat à moins que la Conférence des Présidents n'en décide autrement. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai de huit | | | | | | |

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| semaines, la Conférence des Présidents décide à la majorité des voix y représentées de l'envoi d'un avis motivé. Les sensibilités politiques sont invitées à participer aux travaux. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(6) Si la Chambre des Députés introduit un avis motivé sur le non-respect du principe de subsidiarité et qu'il n'ait pas été tenu | semaines, la Conférence des Présidents décide à la majorité des voix y représentées de l'envoi d'un avis motivé. Les sensibilités politiques sont invitées à participer aux travaux. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(6) Si la Chambre des Députés introduit un avis motivé sur le non-respect du principe de subsidiarité et qu'il n'ait pas été tenu | semaines, la Conférence des Présidents décide à la majorité des voix y représentées de l'envoi d'un avis motivé. Les sensibilités politiques sont invitées à participer aux travaux. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(6) Si la Chambre des Députés introduit un avis motivé sur le non-respect du principe de subsidiarité et qu'il n'ait pas été tenu | | | | | | |

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| compte de cet avis, elle peut décider d'introduire un recours devant la Cour de justice de l'Union européenne contre l'acte législatif pour violation du principe de subsidiarité. La motion décidant l'introduction du recours doit être adoptée en séance publique à la majorité des Députés. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai pour introduire le recours, la Conférence des Présidents prend la décision. Les sensibilités | compte de cet avis, elle peut décider d'introduire un recours devant la Cour de justice de l'Union européenne contre l'acte législatif pour violation du principe de subsidiarité. La motion décidant l'introduction du recours doit être adoptée en séance publique à la majorité des Députés. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai pour introduire le recours, la Conférence des Présidents prend la décision. Les sensibilités | compte de cet avis, elle peut décider d'introduire un recours devant la Cour de justice de l'Union européenne contre l'acte législatif pour violation du principe de subsidiarité. La motion décidant l'introduction du recours doit être adoptée en séance publique à la majorité des Députés. Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai pour introduire le recours, la Conférence des Présidents prend la décision. Les sensibilités | | | | | | |

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| politiques sont invitées à participer aux travaux. Le recours est introduit si la majorité des voix y représentées sont réunies. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(7) Sans préjudice des délais, la procédure énoncée au paragraphe 5 est applicable à la rédaction d'avis politiques et au droit d'opposition prévu par les traités en | politiques sont invitées à participer aux travaux. Le recours est introduit si la majorité des voix y représentées sont réunies. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(7) Sans préjudice des délais, la procédure énoncée au paragraphe 5 est applicable à la rédaction d'avis politiques et au droit d'opposition prévu par les traités en | politiques sont invitées à participer aux travaux. Le recours est introduit si la majorité des voix y représentées sont réunies. La Chambre des Députés est informée de la décision de la Conférence des Présidents lors de la prochaine séance publique dans le cadre des communica-tions.<br><br>(7) Sans préjudice des délais, la procédure énoncée au paragraphe 5 est applicable à la rédaction d'avis politiques et au droit d'opposition prévu par les traités en | | | | | | |

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| faveur des Parlements nationaux. | faveur des Parlements nationaux. | faveur des Parlements nationaux. | | | | | | |

| Legislature 3 (CSV/LSAP II) | | | Legislature 2 (CSV/LSAP I) | | | Legislature 1 (CSV/DP) | | |
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| **2011** | **2010** | **2010** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| - | - | - | - | - | - | ~~Chapitre 6~~<br>~~Du débat sur la politique étrangère~~<br><br>~~Art. 86. (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.~~<br><br>~~(2) La discussion en séance publique sera réglée conformément à l'article 35.~~ | Chapitre 6<br>Du débat sur la politique étrangère<br><br>Art. 86.- (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35. | Chapitre 6<br>Du débat sur la politique étrangère<br><br>Art. 86.- (1) La Chambre organise chaque année un débat sur la politique étrangère du Gouvernement.<br><br>(2) La discussion en séance publique sera réglée conformément à l'article 35. |

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| **2011** | **2010** | **2010** | **2009** | **2007** | **2004** | **2003** | **2000** | **1999** |
| Annexe 2 : Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne<br><br>I. Information à la Chambre des Députés<br><br>1. Le Gouvernement et la Chambre des Députés notent que cette dernière reçoit d'ores et déjà les projets d'actes législatifs des différentes institutions européennes, les documents de consultation, le programme législatif annuel et tout autre | Annexe 2: Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne<br><br>I. Information à la Chambre des Députés<br><br>1. Le Gouvernement et la Chambre des Députés notent que cette dernière reçoit d'ores et déjà les projets d'actes législatifs des différentes institutions européennes, les documents de consultation, le programme législatif annuel et tout autre | Annexe 2: Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne<br><br>I. Information à la Chambre des Députés<br><br>1. Le Gouvernement et la Chambre des Députés notent que cette dernière reçoit d'ores et déjà les projets d'actes législatifs des différentes institutions européennes, les documents de consultation, le programme législatif annuel et tout autre | Annexe 2 : Aide-Mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne<br><br>I. Information à la Chambre des Députés<br><br>1. Le Gouvernement et la Chambre des Députés notent que cette dernière reçoit d'ores et déjà les projets d'actes législatifs des différentes institutions européennes, les documents de consultation, le programme législatif annuel et tout autre | - | - | - | - | - |

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| instrument de programmation législative ou de stratégie politique de la Commission, les ordres du jour et les résultats des sessions du Conseil, y compris les procès-verbaux des sessions au cours desquelles le Conseil délibère sur des projets d'actes législatifs, ainsi que le rapport annuel de la Cour des Comptes.<br><br>2. Le Gouvernement informe sur une base régulière la Chambre des Députés des questions d'actualité et des évolutions politiques intervenues dans le cadre de l'Union européenne. | instrument de programmation législative ou de stratégie politique de la Commission, les ordres du jour et les résultats des sessions du Conseil, y compris les procès-verbaux des sessions au cours desquelles le Conseil délibère sur des projets d'actes législatifs, ainsi que le rapport annuel de la Cour des Comptes.<br><br>2. Le Gouvernement informe sur une base régulière la Chambre des Députés des questions d'actualité et des évolutions politiques intervenues dans le cadre de l'Union européenne. | instrument de programmation législative ou de stratégie politique de la Commission, les ordres du jour et les résultats des sessions du Conseil, y compris les procès-verbaux des sessions au cours desquelles le Conseil délibère sur des projets d'actes législatifs, ainsi que le rapport annuel de la Cour des Comptes.<br><br>2. Le Gouvernement informe sur une base régulière la Chambre des Députés des questions d'actualité et des évolutions politiques intervenues dans le cadre de l'Union européenne. | instrument de programmation législative ou de stratégie politique de la Commission, les ordres du jour et les résultats des sessions du Conseil, y compris les procès-verbaux des sessions au cours desquelles le Conseil délibère sur des projets d'actes législatifs, ainsi que le rapport annuel de la Cour des Comptes.<br><br>2. Le Gouvernement informe sur une base régulière la Chambre des Députés des questions d'actualité et des évolutions politiques intervenues dans le cadre de l'Union européenne. | | | | | |

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| 3. En outre, le Gouvernement informe la Chambre des Députés de manière précoce et continue sur toutes les questions européennes revêtant une importance particulière pour le Grand-Duché. Cette information peut se faire sous forme orale ou écrite comme par exemple à travers des notes explicatives permettant d'évaluer les conséquences éventuelles des actes européens pour le Luxembourg. Elle peut porter tant sur le fond que sur la procédure. Elle doit permettre à la Chambre des Députés de déterminer en temps utile sa | 3. En outre, le Gouvernement informe la Chambre des Députés de manière précoce et continue sur toutes les questions européennes revêtant une importance particulière pour le Grand-Duché. Cette information peut se faire sous forme orale ou écrite comme par exemple à travers des notes explicatives permettant d'évaluer les conséquences éventuelles des actes européens pour le Luxembourg. Elle peut porter tant sur le fond que sur la procédure. Elle doit permettre à la Chambre des Députés de déterminer en temps utile sa | 3. En outre, le Gouvernement informe la Chambre des Députés de manière précoce et continue sur toutes les questions européennes revêtant une importance particulière pour le Grand-Duché. Cette information peut se faire sous forme orale ou écrite comme par exemple à travers des notes explicatives permettant d'évaluer les conséquences éventuelles des actes européens pour le Luxembourg. Elle peut porter tant sur le fond que sur la procédure. Elle doit permettre à la Chambre des Députés de déterminer en temps utile sa | 3. En outre, le Gouvernement informe la Chambre des Députés de manière précoce et continue sur toutes les questions européennes revêtant une importance particulière pour le Grand-Duché. Cette information peut se faire sous forme orale ou écrite comme par exemple à travers des notes explicatives permettant d'évaluer les conséquences éventuelles des actes européens pour le Luxembourg. Elle peut porter tant sur le fond que sur la procédure. Elle doit permettre à la Chambre des Députés de déterminer en temps utile sa | | | | | |

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| ou par courrier électronique.<br><br>7. Le Gouvernement facilite et encourage les contacts entre les institutions européennes et ses membres et les commissions compétentes de la Chambre des Députés. De son côté la Chambre des Députés informe le Gouvernement de ses activités et de ses contacts au niveau européen.<br><br>II. Prise de position de la Chambre des Députés<br><br>1. Le Gouvernement s'engage, lorsqu'il consulte la Chambre des Députés, à le faire en temps utile pour que la Chambre dispose | ou par courrier électronique.<br><br>7. Le Gouvernement facilite et encourage les contacts entre les institutions européennes et ses membres et les commissions compétentes de la Chambre des Députés. De son côté la Chambre des Députés informe le Gouvernement de ses activités et de ses contacts au niveau européen.<br><br>II. Prise de position de la Chambre des Députés<br><br>1. Le Gouvernement s'engage, lorsqu'il consulte la Chambre des Députés, à le faire en temps utile pour que la Chambre dispose | ou par courrier électronique.<br><br>7. Le Gouvernement facilite et encourage les contacts entre les institutions européennes et ses membres et les commissions compétentes de la Chambre des Députés. De son côté la Chambre des Députés informe le Gouvernement de ses activités et de ses contacts au niveau européen.<br><br>II. Prise de position de la Chambre des Députés<br><br>1. Le Gouvernement s'engage, lorsqu'il consulte la Chambre des Députés, à le faire en temps utile pour que la Chambre dispose | ou par courrier électronique.<br><br>7. Le Gouvernement facilite et encourage les contacts entre les institutions européennes et ses membres et les commissions compétentes de la Chambre des Députés. De son côté la Chambre des Députés informe le Gouvernement de ses activités et de ses contacts au niveau européen.<br><br>II. Prise de position de la Chambre des Députés<br><br>1. Le Gouvernement s'engage, lorsqu'il consulte la Chambre des Députés, à le faire en temps utile pour que la Chambre dispose | | | | | |

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| du temps nécessaire pour l'examen des questions soumises en vue d'une prise de position éventuelle de sa pArt.<br><br>2. La Chambre des Députés et les commissions font en sorte que les documents qui lui sont transmis par le Gouvernement soient traités en temps utile pour qu'elles puissent informer le Gouvernement de ses conclusions éventuelles.<br><br>III. Contrôle de respect du principe de subsidiarité<br><br>1. Le Traité de Lisbonne renforce le rôle des Parlements nationaux en leur | du temps nécessaire pour l'examen des questions soumises en vue d'une prise de position éventuelle de sa part.<br><br>2. La Chambre des Députés et les commissions font en sorte que les documents qui lui sont transmis par le Gouvernement soient traités en temps utile pour qu'elles puissent informer le Gouvernement de ses conclusions éventuelles.<br><br>III. Contrôle de respect du principe de subsidiarité<br><br>1. Le Traité de Lisbonne renforce le rôle des Parlements nationaux en leur | du temps nécessaire pour l'examen des questions soumises en vue d'une prise de position éventuelle de sa part.<br><br>2. La Chambre des Députés et les commissions font en sorte que les documents qui lui sont transmis par le Gouvernement soient traités en temps utile pour qu'elles puissent informer le Gouvernement de ses conclusions éventuelles.<br><br>III. Contrôle de respect du principe de subsidiarité<br><br>1. Le Traité de Lisbonne renforce le rôle des Parlements nationaux en leur | du temps nécessaire pour l'examen des questions soumises en vue d'une prise de position éventuelle de sa part.<br><br>2. La Chambre des Députés et les commissions font en sorte que les documents qui lui sont transmis par le Gouvernement soient traités en temps utile pour qu'elles puissent informer le Gouvernement de ses conclusions éventuelles.<br><br>III. Contrôle de respect du principe de subsidiarité<br><br>1. Le Traité de Lisbonne renforce le rôle des Parlements nationaux en leur | | | | | |

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| 3. A la demande de la Chambre des Députés, le Gouvernement peut assister cette dernière dans son travail de recherche en vue d'une prise de position sur le respect du principe de subsidiarité relativement à un projet d'acte législatif déterminé, en lui fournissant des éléments oraux ou écrits lui permettant d'apprécier l'impact de la proposition d'acte législatif européen notamment sur la législation luxembourgeoise. | 3. A la demande de la Chambre des Députés, le Gouvernement peut assister cette dernière dans son travail de recherche en vue d'une prise de position sur le respect du principe de subsidiarité relativement à un projet d'acte législatif déterminé, en lui fournissant des éléments oraux ou écrits lui permettant d'apprécier l'impact de la proposition d'acte législatif européen notamment sur la législation luxembourgeoise. | 3. A la demande de la Chambre des Députés, le Gouvernement peut assister cette dernière dans son travail de recherche en vue d'une prise de position sur le respect du principe de subsidiarité relativement à un projet d'acte législatif déterminé, en lui fournissant des éléments oraux ou écrits lui permettant d'apprécier l'impact de la proposition d'acte législatif européen notamment sur la législation luxembourgeoise. | 3. A la demande de la Chambre des Députés, le Gouvernement peut assister cette dernière dans son travail de recherche en vue d'une prise de position sur le respect du principe de subsidiarité relativement à un projet d'acte législatif déterminé, en lui fournissant des éléments oraux ou écrits lui permettant d'apprécier l'impact de la proposition d'acte législatif européen notamment sur la législation luxembourgeoise. | | | | | |
| IV. Rapport sur la politique européenne et la transposition de directives | IV. Rapport sur la politique européenne et la transposition de directives | IV. Rapport sur la politique européenne et la transposition de directives | IV. Rapport sur la politique européenne et la transposition de directives | | | | | |

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| européennes<br><br>1. Le Gouvernement présente annuellement à la Chambre des Députés un rapport sur la politique européenne. Le Gouvernement présente également annuellement un rapport à la Chambre sur la transposition des directives européennes et l'application du droit communautaire. A cette occasion il informe la Chambre des procédures contentieuses et précontentieuses qui concernent le Luxembourg.<br><br>2. Le rapport concernant la transposition des directives est déposé au | européennes<br><br>1. Le Gouvernement présente annuellement à la Chambre des Députés un rapport sur la politique européenne. Le Gouvernement présente également annuellement un rapport à la Chambre sur la transposition des directives européennes et l'application du droit communautaire. A cette occasion il informe la Chambre des procédures contentieuses et précontentieuses qui concernent le Luxembourg.<br><br>2. Le rapport concernant la transposition des directives est déposé au | européennes<br><br>1. Le Gouvernement présente annuellement à la Chambre des Députés un rapport sur la politique européenne. Le Gouvernement présente également annuellement un rapport à la Chambre sur la transposition des directives européennes et l'application du droit communautaire. A cette occasion il informe la Chambre des procédures contentieuses et précontentieuses qui concernent le Luxembourg.<br><br>2. Le rapport concernant la transposition des directives est déposé au | Européennes<br><br>1. Le Gouvernement présente annuellement à la Chambre des Députés un rapport sur la politique européenne. Le Gouvernement présente également annuellement un rapport à la Chambre sur la transposition des directives européennes et l'application du droit communautaire. A cette occasion il informe la Chambre des procédures contentieuses et précontentieuses qui concernent le Luxembourg.<br><br>2. Le rapport concernant la transposition des directives est déposé au | | | | | |

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| premier semestre et le rapport sur la politique européenne est introduit au courant du second semestre de l'année.<br><br>3. La Chambre des Députés décidera si et quand il y a lieu de débattre les deux rapports.<br><br>V. Adhésion et modification de traités<br><br>1. Le Gouvernement informe la Chambre des Députés de toute convocation d'une conférence inter-gouvernementale visant, soit à la réforme des traités fondateurs de l'Union européenne, soit à la négociation de traités d'adhésion à | premier semestre et le rapport sur la politique européenne est introduit au courant du second semestre de l'année.<br><br>3. La Chambre des Députés décidera si et quand il y a lieu de débattre les deux rapports.<br><br>V. Adhésion et modification de traités<br><br>1. Le Gouvernement informe la Chambre des Députés de toute convocation d'une conférence inter-gouvernementale visant, soit à la réforme des traités fondateurs de l'Union européenne, soit à la négociation de traités d'adhésion à | premier semestre et le rapport sur la politique européenne est introduit au courant du second semestre de l'année.<br><br>3. La Chambre des Députés décidera si et quand il y a lieu de débattre les deux rapports.<br><br>V. Adhésion et modification de traités<br><br>1. Le Gouvernement informe la Chambre des Députés de toute convocation d'une conférence inter-gouvernementale visant, soit à la réforme des traités fondateurs de l'Union européenne, soit à la négociation de traités d'adhésion à | premier semestre et le rapport sur la politique européenne est introduit au courant du second semestre de l'année.<br><br>3. La Chambre des Députés décidera si et quand il y a lieu de débattre les deux rapports.<br><br>V. Adhésion et modification de traités<br><br>1. Le Gouvernement informe la Chambre des Députés de toute convocation d'une conférence inter-gouvernementale visant, soit à la réforme des traités fondateurs de l'Union européenne, soit à la négociation de traités d'adhésion | | | | | |

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| l'Union et lui adresse la position qu'il compte prendre sur ces questions dans les meilleurs délais. Le Gouvernement informe et consulte la Chambre des Députés pendant de telles négociations.<br><br>VI. Confidentialité<br><br>1. La Chambre des Députés s'engage envers le Gouvernement à respecter le caractère confidentiel de certaines informations qui lui seraient communiquées et tiendra compte de la nature éventuellement sensible des négociations européennes | l'Union et lui adresse la position qu'il compte prendre sur ces questions dans les meilleurs délais. Le Gouvernement informe et consulte la Chambre des Députés pendant de telles négociations.<br><br>VI. Confidentialité<br><br>1. La Chambre des Députés s'engage envers le Gouvernement à respecter le caractère confidentiel de certaines informations qui lui seraient communiquées et tiendra compte de la nature éventuellement sensible des négociations européennes | l'Union et lui adresse la position qu'il compte prendre sur ces questions dans les meilleurs délais. Le Gouvernement informe et consulte la Chambre des Députés pendant de telles négociations.<br><br>VI. Confidentialité<br><br>1. La Chambre des Députés s'engage envers le Gouvernement à respecter le caractère confidentiel de certaines informations qui lui seraient communiquées et tiendra compte de la nature éventuellement sensible des négociations européennes | à l'Union et lui adresse la position qu'il compte prendre sur ces questions dans les meilleurs délais. Le Gouvernement informe et consulte la Chambre des Députés pendant de telles négociations.<br><br>V. Confidentialité<br><br>1. La Chambre des Députés s'engage envers le Gouvernement à respecter le caractère confidentiel de certaines informations qui lui seraient communiquées et tiendra compte de la nature éventuellement sensible des négociations européennes | | | | | |

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| faisant l'objet des échanges entre le Gouvernement et la Chambre des Députés. | faisant l'objet des échanges entre le Gouvernement et la Chambre des Députés. | faisant l'objet des échanges entre le Gouvernement et la Chambre des Députés. | faisant l'objet des échanges entre le Gouvernement et la Chambre des Députés | | | | | |

## *Annex 2: Committee key*

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| AEE | Foreign and European affairs (*affaires étrangères et européennes*) |
| AEEDCI | Foreign and European affairs, defence, cooperation and immigration (*affaires étrangères et européennes, de la défense, de la coopération et de l'immigration*) |
| AGRI | Agriculture, viticulture, rural development (*agriculture, viticulture, développement rural*) |
| CMTOUR | SME, tourism (*classes moyennes, tourisme*) |
| CODEXBU | Budgetary control (*contrôle de l'exécution budgétaire*) |
| CULT | Culture (*culture*) |
| DEVDUR | Sustainable development (*développement durable*) |
| EAC | European affairs committee (that is the AEE and the AEEDCI) |
| EACs | European Union affairs committees of national parliaments |
| ECCEES | Economy, external commerce, solidary economy (*économie, commerce extérieur, économie solidaire*) |
| ECON | Economy committee |
| ECON,SP | Economy, energy, postal services, sports (*économie, énergie, postes, sports*) |
| ECON, TRAN | Economy, energy, postal services, transport (*économie, énergie, postes, transports)* |
| EDU | National education, vocational training *(éducation nationale, formation professionnelle*) |
| EDUSP | National education, vocational training, sports (*éducation nationale, formation professionnelle, sports*) |
| EGAL | Equal opportunities, women's advancement (*égalité des chances, promotion féminine*) |
| ENSSUP | Higher education committee |
| ENSSUP1 | Higher education, research, culture (*enseignement supérieur, recherche, culture*) |
| ENSSUP2 | Higher education, research, media, communications, space (*enseignement supérieur, recherche, médias, communications, espace*) |
| ENVI | Environment (*environnement*) |
| FAM | Family, social security, youth (*famille, solidarité sociale, jeunesse*) |
| FIBU | Finances, budget (*finances, budget*) |
| FONCPUB | Public service (*fonction publique*) |
| FONCPUB2 | Public service, administrative reform, media, communications (*fonction publique, réforme administrative, médias, communications*) |
| FONCPUB3 | Public service, administrative simplification (*fonction publique, simplification administrative*) |
| INST | Institutions, constitutional revision (*institutions, révision constitutionnelle*) |
| INT1 | Internal affairs (*intérieur*) |
| INT2 | Internal affairs, spatial planning (*intérieur, aménagement du territoire*) |
| INT3 | Internal affairs, the Greater Region, police (*intérieur, Grande Région, police*) |
| JURI | Justice (*juridique*) |
| LOG | Housing (*logement*) |
| MEDIA | Media, communications (*médias, communications*) |
| SANT | Health, social security (*santé, sécurité sociale*) |
| TRANS | Transport (*transport*) |
| TRAVEMP | Work, employment (*travail, emploi*) |
| TRAVPUB | Public works (*travaux publics*) |

## *Annex 3: Key of interviews*

1. Clerk of the Chamber of Deputies, face-to-face interview, 30 November 2012
2. Member of the Chamber of Deputies, face-to-face interview, 10 December 2012
3. Clerk of the Chamber of Deputies, face-to-face interview, 12 December 2012
4. Clerk of the Chamber of Deputies, face-to-face interview, 13 December 2012
5. Member of the Chamber of Deputies, face-to-face interview, 14 January 2013
6. Member of the European Parliament, telephone interview, 26 March 2013
7. Ministry official, face-to-face interview, 25 May 2013
8. Clerk of the Chamber of Deputies, face-to-face interview, 10 June 2013
9. Clerk of the Chamber of Deputies, face-to-face interview, 10 June 2013
10. Member of the Chamber of Deputies, face-to-face interview, 13 June 2013
11. Clerk of the Chamber of Deputies, face-to-face interview, 14 June 2013
12. Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013
13. Clerk of the Chamber of Deputies, face-to-face interview, 18 June 2013
14. Member of the Chamber of Deputies, face-to-face interview, 20 June 2013
15. Clerk of the Chamber of Deputies, face-to-face interview, 24 July 2013
16. Member of the Chamber of Deputies, face-to-face interview, 26 July 2013
17. Official of the State Council, face-to-face interview, 18 September 2013
18. Member of the Chamber of Deputies, face-to-face interview, 23 September 2013
19. Member of the Chamber of Deputies, face-to-face interview, 26 September 2013
20. Member of the Chamber of Deputies, face-to-face interview, 2 October 2013
21. Official of the State Council, face-to-face interview, 3 October 2013
22. Official of the State Council, face-to-face interview, 4 October 2013
23. Member of the State Council, face-to-face interview, 4 October 2013
24. Ministry official, face-to-face interview, 10 October 2013
25. Ministry official, face-to-face interview, 18 October 2013
26. Ministry official, face-to-face interview, 28 October 2013
27. Former Minister, face-to-face interview, 29 October 2013
28. Member of the State Council, face-to-face interview, 7 November 2013
29. Minister, face-to-face interview, 19 November 2013

**Former and current functions of interviewees:**

| *function* | *interviewees* |
|---|---|
| *MP* | *10* |
| *Speaker of the House* | *1* |
| *Committee chair* | *6* |
| *Committee secretary* | *3* |
| *Clerk of the Chamber* | *9* |
| *Minister* | *4* |
| *Government official* | *8* |
| *Ambassador to the EU* | *1* |
| *MEP* | *2* |
| *State Councillor* | *2* |
| *Official of the State Council* | *2* |
| *Member of the Audit Court* | *1* |
| *Employee of a professional chamber* | *1* |